

15.

P A P E R S

RELATING TO

E A S T I N D I A A F F A I R S :

VIZ.

R E G U L A T I O N S

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1820.

(Presented in pursuance of Act 53 Geo. III. c. 155, sec. 66.)

Ordered, by The House of Commons, to be Printed,
28 March 1822.

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BENGAL, FORT ST. GEORGE, AND BOMBAY.

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of March 1822.

REGULATIONS Passed by the Governments of India in the Year 1820:—
Presented to the Honourable the House of Commons, in pursuance of an Act
of Parliament, 53 Geo. III. c. 155, sec. 66;—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1820;

N^o I. to VII.

Regulation.

I.—For providing that all Sales of certain Talooks made answerable by Sale for arrears of the Zemindar's rent, shall be conducted in the mode prescribed by Regulation VIII. 1819, for the Sales therein described:— - - - Passed on the 11th January 1820 - - - p. 5

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III.—For rescinding some of the provisions of Regulation XI. 1806, and for preventing the practice of pressing Coolies or Begarees:— Passed on the 24th March 1820 - - - ibid.

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VII.—For altering the punishment and form of trial, in cases of Dhurna:—
Passed on the 8th December 1820 - - - ibid.

II.—By the Governor in Council of FORT ST. GEORGE, in the Year 1820;

N^o I. to III.

Regulation.

I.—For rescinding Regulation I. of 1808, and for prescribing the rules under which Arrack, Toddy and other spirituous and fermented Liquors shall be manufactured, and sold within the territories subject to the Presidency of Fort St. George, without the limits of the jurisdiction of the Supreme Court of Madras:— - - - Passed the 2d June 1820 - - - p. 11

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V.—For abolishing the Provincial Court of Appeal and adapting the powers, &c. of the Sudder Adawlut to the change; and for removing the latter Court from Bombay to the city of Surat:— Passed on the 29th November 1820 - - p. 26

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VIII.—For rescinding Regulation IX. 1812; and for re-enacting its provisions for the guidance of the Courts of Justice, in case of a difference of opinion on the meaning and construction of the Regulations, in a form to correspond with the existing powers and functions of the Court of Sudder Adawlut and Sudder Foujdaree Adawlut:— - - Passed on the 29th November 1820 - - p. 51

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*,
in the Year 1820.—N^o 1. to VII.

A. D. 1820. REGULATION I.

A REGULATION for providing that all sales of certain Talooks made answerable by sale for arrears of the Zemindar's rent, shall be conducted in the mode prescribed by Regulation VIII. 1819, for the sales therein described:—Passed by the Governor General in Council, on the 11th January 1820, corresponding with the 28th Poose 1226 Bengal era; the 11th Maug 1227 Fusly; the 29th Poose 1227 Willaity; the 11th Maug 1876 Sumbut, and the 24th Rubee-ul-uwal 1235 Higeree.

WHEREAS it has been omitted to provide in the rules of Regulation VIII. 1819, whether, in case the proprietor of an estate paying revenue to Government, should desire to bring to sale a saleable tenure of the nature defined in Clause First, Section VIII. of that Regulation for the realization of arrears of rent due thereupon, by any legal process, other than that prescribed by the second and third Clauses of the said Section, such sale should be made in the public manner provided for the periodical sales therein described; and whereas it is consonant with justice, and was intended by the said Regulation, that, in every case of the sale of such tenures for arrears of the zemindar's rent, the sale should be public, for the security of the interests of the owner of the tenure sold; which object can in no manner be duly secured, except the sales to be so made, be conducted by an officer of Government, in the same manner as the periodical sales provided for by Section VIII. of the said Regulation: the following additional rule has accordingly been passed by the Governor General in Council, to take effect from the date of its promulgation, within the several districts of Bengal, including Midnapore. Preamble.

II. *First*.—Whenever the proprietor of an estate paying revenue to Government shall desire to cause any tenure of the nature of those described in Clause First, Section VIII. Regulation VIII. 1819, to be sold for arrears of rent due to him on account thereof, and shall, under any summary process authorized by the general Regulations, have acquired the right of causing such sale to be made, the same shall be conducted, after application from the zemindar, by the register or acting register of the zillah or city court, or in his absence by the person in charge of the office of judge of the district, in the mode prescribed by Regulation VIII. above quoted for periodical sales.

The Rules of Regulation VIII. 1819, for periodical sales for the zemindar's arrears of rent extended to other sales for rent.

Second.—Ten days notice shall be given before proceeding to sale, by proclamation, to be stuck up at the kucheree of the court, and at that of the collector of the district.

Ten days notice to be given by proclamation.

Third.—The rules of Sections IX. XI. XIII. XV. and XVII. Regulation VIII. 1819, are extended to all sales made after the manner herein provided.

Sections IX. XI. XIII. XV. and XVII. Regulation VIII.

1819, extended to sales under this Regulation.

A. D. 1820. REGULATION II.

A REGULATION to enable the Magistrate of Hooghly, the Court of Circuit for the Division of Calcutta, and the Court of Nizamut Adawlut, to take cognizance of certain offences committed by Natives within the limits of the Settlements of Chandernagore and Chinsurah:—Passed by the Governor General in Council, on the 25th February 1820, corresponding with the 14th Phalgun 1226 Bengal era; the 26th Phalgun 1227 Fusly; the 15th Phalgun 1227 Willaity; the 12th Phalgun 1876 Sumbut; and the 10th Jumadee-ul-awal 1235 Higeree.

Preamble.

THE provisions contained in Regulations I. and XVI. of 1805, in Regulation II. 1808, and Regulation IX. 1809, relative to the administration of civil and criminal justice in the settlements of Chandernagore and Chinsurah, have ceased to be in force since the restoration of those settlements to the respective authorities of their Majesties the King of France, and the King of the Netherlands:—It being however necessary to provide for the cognizance of criminal offences of a heinous nature committed within those settlements by Natives of India, to which offences the jurisdiction of the criminal courts established at the settlements of Chandernagore and Chinsurah does not extend, the following rules have been enacted.

Magistrate of Hooghly empowered to receive into his custody certain persons charged with the perpetration of heinous offences in Chandernagore and Chinsurah.

II. *First.*—The Magistrate of Hooghly is hereby declared competent to receive into his custody, natives of India who may be forwarded to him by the superior authorities of Chandernagore and Chinsurah, charged with the commission of murder, robbery, and other crimes of a heinous nature within the limits of those settlements.

Magistrate how to deal with such persons.

Second.—After due examination into such cases, the Magistrate will either discharge the prisoner, or if he shall find sufficient grounds for that measure, will commit the accused to take his trial before the Court of Circuit for the offence with which he may stand charged.

Not to pass sentence of punishment upon them himself.

Third.—The Magistrate will not himself pass sentence of punishment on the accused, although the nature of the charge may be such as would warrant his doing so under the existing Regulations; but will either commit the prisoner to take his trial before the Court of Circuit, or will discharge him, according to the circumstances of the case.

Competency of the Calcutta Court of Circuit and the Nizamut Adawlut to take cognizance of such cases, and how to pass sentence.

III. The Court of Circuit for the Division of Calcutta, and the Nizamut Adawlut, are hereby respectively empowered to take cognizance of such cases, and to pass such sentence upon the prisoners as may be conformable to the provisions of the Regulations which are now or may hereafter be in force within the province of Bengal.

Period from which the rules contained in this Regulation are to have effect.

IV. The foregoing provisions are hereby declared to be applicable to persons charged with having committed offences of the nature described in Clause First, Section II. of this Regulation, in the interval between the restoration of the settlements of Chandernagore and Chinsurah, and the date of this Regulation.

A. D. 1820. REGULATION III.

A REGULATION for rescinding some of the provisions of Regulation XI. 1806, and for preventing the practice of pressing Coolies or Begarees:—Passed by the Governor General in Council, on the 24th March 1820; corresponding with the 13th Cheyte 1226 Bengal era; the 25th Cheyte 1227 Fusly; the 14th Cheyte 1227 Willaity; the 10th Cheyte 1877 Sumbut; and the 9th Jumadee-us-Sanee 1235 Higeree.

Preamble.

WHEREAS the authority vested by Regulation XI, 1806, in the collectors and their native officers, and in the magistrates and their police officers, to assist in procuring coolies for the purpose of facilitating the march of detachments of troops, or the progress of individual travellers, has operated to encourage the highly injurious practice which prevails, of forcibly pressing certain classes of the inhabitants of the towns and villages, under the denomination of begarees or coolies, for the purpose of

of carrying baggage or other loads from stage to stage or from village to village; and whereas the Governor General in Council has deemed it expedient to adopt measures for the entire suppression of the said highly objectionable practice, the following rules have been enacted, to have effect throughout the whole of the territories immediately subordinate to the Presidency of Fort William, from the date of their promulgation.

II. Such part of the provisions of Regulation XI. 1806, as authorize the collectors and their native officers, or the magistrates and their police officers, to give their official aid in procuring coolies for the purpose of facilitating the march of troops, or the progress of civil and military officers, or other individuals travelling through the country, either on the public service or on their private affairs, is hereby rescinded.

Part of the provisions of Regulation XI. 1806, rescinded.

III. The practice of pressing or compelling individuals, whether under the denomination of coolies, begarees or any other denomination, to carry burthens, either for the public service or for the convenience of private individuals, is hereby positively prohibited; and the several magistrates and joint magistrates are required to adopt all legal means in their power to put an entire stop to the practice in question, by enquiring fully into all complaints which may be brought before them, and by subjecting persons regularly convicted of the offence, to such penalties as on a consideration of the circumstances of the case may appear to be proper, and consistent with the powers vested in the magistrates by the general Regulations.

The practice of pressing begarees prohibited;

and the magistrates enjoined to put a stop to the practice by all legal means in their power.

A. D. 1820. REGULATION IV.

A REGULATION for declaring the power of the Magistrates to give effect to Military Sentences in certain cases; for providing for the more efficient exercise of the control of the Courts of Circuit over the Sentences of the Magistrates in certain cases; and for amending Clause Second, Section III. Regulation XII. 1818:—Passed by the Governor General in Council, on the 21st July 1820; corresponding with the 7th Sawun 1227 Bengal era; the 25th Assaur 1227 Fusly; the 8th Sawaun 1227 Willaity; the 11th Assaur 1877 Sumbut; and the 10th Sowaul 1235 Higeree.

WHEREAS doubts have been entertained as to the authority of the zillah and city magistrates, under the existing Regulations, to give effect to the sentence of a general court martial, which may adjudge imprisonment with hard labour among the convicts of the civil power; and whereas it has been deemed advisable to provide for the more efficient exercise of the controul of the Courts of Circuit over sentences passed by the magistrates under Regulation XII. 1818: and whereas it has also been deemed advisable to declare, in amendment of Section III. of that Regulation, that in certain cases of theft, the magistrates shall commit the accused for trial before the Court of Circuit, solely with reference to the amount of the property stolen; the following rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the Presidency of Fort William.

Preamble.

II. It is hereby declared that any zillah or city magistrate shall be competent to give effect to the sentence of a general court martial, adjudging imprisonment with labour among the convicts of the civil power, on the offender being delivered into his custody, and the sentence being certified to him for the purpose of his giving it effect, by the Judge Advocate General, or his deputy, under the authority of the Commander in Chief; and the sentence so certified shall serve as the magistrate's warrant and authority for carrying it into effect according to the terms of it.

Power of the Magistrates to give effect to military sentences.

III. *First.*—In addition to the rule contained in clause first, Section VI. Regulation XII. 1818, as far as regards the separate list of sentences passed by the magistrates under that Regulation, and thereby required to be submitted to the Court of Circuit at the sessions, it is hereby provided, that monthly statements of such sentences shall be submitted to the Court of Circuit at the sudder station, in such form and manner as the Nizamut Adawlut may direct.

What returns of sentences under Regulation XII. 1818, to be submitted to Courts of Circuit.

Second.—It is hereby further provided, that the Court of Circuit at the sudder station, shall be considered competent to call for the proceedings in such cases, where they may see cause, under the general provisions of Section XXIII.

Power of Courts of Circuit to call for cases, on review of such returns.

Regulation IX. 1807, without a petition being presented to that effect; and to pass such orders thereon as they may deem proper and consistent with the Regulations; two or more judges being present if the sentence of the magistrate's court be reversed or altered.

Clause Second, Section III. Regulation XII. 1818, amended.

IV. In amendment of clause second, Section III. Regulation XII. 1818, it is hereby declared, that in cases of theft where the amount or value stolen shall exceed the sum of three hundred rupees, the amount shall be deemed a circumstance taking the case out of the magistrate's jurisdiction as to passing sentence on the accused; and shall make it necessary for him to commit the accused for trial to the Court of Circuit.

A. D. 1820. REGULATION V.

A REGULATION for imposing a general Custom duty on Tobacco:—Passed by the Governor General in Council, on the 25th of August 1820; corresponding with the 11th Bhadoon 1227 Bengal era; the 2d Bhadoon 1227 Fussily; the 12th Bhadoon 1877 Sumbut; and the 15th Zekaad 1235 Higeree.

Preamble.

WHEREAS it has been deemed expedient, with a view to the improvement of the public revenue, to impose a general custom duty on Tobacco within the territories immediately dependent on the Presidency of Fort William; the Governor General in Council, with the sanction of the Court of Directors of the United Company of Merchants trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation.

Part of Regulation IX. 1810, rescinded.

II. *First.*—So much of Clause First, Section XII. Regulation IX. 1810, as enacts that a duty of ten per cent. shall be levied on the importation of Tobacco into the district of Cuttack, is hereby rescinded.

Part of Regulation I. 1812, also rescinded.

Second.—Section IX. Regulation I. 1812, is likewise hereby rescinded.

Tobacco whether in leaf or in a prepared state, declared subject on importation or exportation, to a custom duty of four annas per maund.

And also to a transit duty at the same rate.

Proviso, in cases where the prescribed duty has been once paid.

Exception as to the town duty payable under Regulation X. 1810.

Proviso, allowing a drawback on Tobacco exported to the United Kingdom on a British bottom.

III. *First.*—The aforesaid article, whether in leaf or in a prepared state, shall, on its importation or exportation at any port or place within the provinces subordinate to this Presidency, be subject to a custom duty of four annas per maund of forty seer, each seer weighing eighty Calcutta sicca weight.

Second.—The same duty of four annas per maund shall be levied on the transit of the said article from place to place within the provinces subordinate to this Presidency; provided however, that Tobacco which shall have paid the prescribed duty once, whether on importation or transit, shall not be liable to any further duties in passing through the provinces subject to this Presidency, excepting the town or consumption duty payable under the rules of Regulation X. 1810; provided also, that on the exportation of Tobacco on a British bottom to the United Kingdom, a drawback shall be allowed equal to the whole duty which may have been levied under this Regulation, or under the provisions of Regulation X. 1810.

The prescribed duty on Tobacco to be paid and levied under the rules in force for the collection of Government Customs, and any breach of them declared subject to defined penalties.

IV. The duty prescribed by this Regulation shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs, on the importation, exportation, or transit of goods subject to such duties, and any attempt to import, export or transport Tobacco in breach of the said rules and provisions, shall subject the parties offending to the penalties prescribed in Regulation IX. 1810.

A. D. 1820. REGULATION VI.

A REGULATION for rescinding Sections XLVI. XLVII. and XLVIII. Regulation XLV. 1803.—Passed by the Governor General in Council, on the 25th August 1820, corresponding with the 11th Bhadoon 1227 Bengal era; the 2d Bhadoon 1227 Fussily; the 12th Bhadoon 1227 Willaity; the 2d Bhadoon 1877 Sumbut; and the 15th Zekaad 1235 Higeree.

WHEREAS it being deemed no longer expedient to continue to individuals the privilege of tendering copper for coinage at the Mint at Furruckabad, the following Rule has been enacted, to be in force from the date of its promulgation.

II. Sections XLVI. XLVII. and XLVIII. Regulation XLV. 1803, are hereby rescinded.

Preamble.

Sections XLVI.
XLVII. & XLVIII.
Regulation XLV.
1803, rescinded.

A. D. 1820. REGULATION VII.

A REGULATION for altering the punishment and form of trial, in cases of Dhurna:—Passed by the Governor General in Council, on the 8th December 1820; corresponding with the 24th Ughun 1227 Bengal era; the 18th Ughun 1228 Fusly; the 25th Ughun 1228 Willaity; the 3d Ughun 1877 Sumbut, and the 1st Rubee-ul-awal 1236 Higeree.

THE offence denominated Dhurna implies, in its received acceptation, the practice of illegal duress by individuals, for the extortion of money, or for the recovery of debts without authority from the civil magistrate; and also, without such authority, for retaining or recovering the possession of land, or for carrying any other point of real, imaginary or pretended interest or right. On the trial of the offence by a Court of Circuit, the existing Regulations require, that, instead of the futwa of the Mahomedan law officer, usual in other trials, a bebusta shall be taken from the Pundit of the Provincial Court, as to the fact of dhurna (according to the received acceptation) being established, or not, by the evidence adduced. But the Pundit of the Provincial Court being stationary at the sudder station of the Court, this mode of trial has been found to be attended with great delay; as well as otherwise unsatisfactory. And it has been ascertained that the act of dhurna is a misdemeanor punishable in Mahomedan law, under the head of Zulm, or oppression. It having accordingly been deemed advisable, that in trials before a Court of Circuit for dhurna, a futwa should be given by the Mahomedan law officer as in other trials, in lieu of the bebusta hitherto taken; and it having also been deemed advisable that the magistrates should have power to pass sentence in minor cases of the offence of dhurna; and further, that the existing penalties annexed to the offence should be revised and simplified; the following rules have been enacted, to be in force from the date of their promulgation, throughout the provinces immediately subject to the Presidency of Fort William.

Preamble.

II. Sections XI. and XII. Regulation XXI. 1795; Regulation V. 1797; Section VI. Regulation VIII. 1799; Sections IX. and X. Regulation III. 1804; and such other provisions in the existing Regulations as relate to the offence of dhurna, are hereby rescinded.

Notice of Rules re-
scinded.

III. On a complaint in writing being presented to a magistrate against any Brahmin or Brahmins, or against any other person or persons of whatever description, for sitting dhurna, the magistrate, upon oath being made to the truth of the information, shall issue a warrant or summons, (as the case may require,) under his seal and signature, for the apprehension or appearance before him, of the person or persons thus complained against. On the accused being brought before the magistrate, he shall inquire into the circumstances of the charge, and examine the accused and the complainant; and also such other persons (whose depositions are to be taken on oath) as are stated to have any knowledge of the misdemeanor alleged; and commit their respective depositions to writing: and after this inquiry, if it shall appear to the magistrate that the misdemeanor charged was never committed, or that there is no ground to believe the accused to have been concerned in

Magistrates how to
proceed on charges
of dhurna.

committing it, the magistrate shall cause him (or them) to be forthwith discharged; recording his reasons for the same. On the contrary, if it shall appear to the magistrate, that the misdemeanor was actually committed, and that there are grounds for believing the accused to have been concerned in the commission of it, the magistrate shall (except in the cases mentioned in Section VII.) cause the accused to be committed to prison, or held to bail (according as in his discretion he shall judge proper) for trial at the next session of the Court of Circuit; and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

Mode of trial for dhurna before Court of Circuit.

IV. The trial of persons charged with dhurna, shall take place before the Court of Circuit, in the same mode as is prescribed for other trials by the existing Regulations; and in lieu of the bebusta hitherto taken from the Pundit of the Provincial Court, the Mahomedan law officer of the Court of Circuit shall write his futwa, declaring whether the offence charged is established or not, against the accused.

What punishment for dhurna adjudicable by Court of Circuit.

V. On conviction of the offence of dhurna before a Court of Circuit, the penalties adjudicable shall be as follow; namely, imprisonment in the civil jail for a term not exceeding one year, and fine not exceeding one thousand rupees; commutable, if not paid, to further imprisonment for a term not exceeding one year.

Trials for dhurna when referable.

VI. Trials held before a Court of Circuit in cases of dhurna, shall be referable to the Nizamut Adawlut, or not, according to the rules applicable in other trials.

In what cases of dhurna magistrates may pass sentence and to what extent.

VII. It shall be competent to the magistrates, in charges for the offence of dhurna, which they may be of opinion, from the circumstances, do not require commitment to the Court of Circuit, to hear the evidence against and for the accused; and if they consider the accused to be convicted, to pass sentence of fine not exceeding two hundred rupees; commutable if not paid, to imprisonment in the civil jail for a period not exceeding six months.

II.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*,
in the Year 1820.—N^o I. to III.

A. D. 1820. REGULATION I.

A REGULATION for rescinding Regulation I. of 1808, and for prescribing the Rules under which Arrack, Toddy, and other spirituous and fermented Liquors shall be manufactured, and sold within the Territories subject to the Presidency of Fort St. George, without the limits of the Jurisdiction of the Supreme Court of Madras:—Passed by the Governor in Council of Fort St. George, on the 2d June 1820; corresponding with the 22d Vyasee of the year Vickramah; 1742d year of Saliwahan, and with the 20th Shawbahn 1235 Higeree.

WHEREAS the provisions of Regulation I. of 1808, have been found inefficient to restrain the immoderate use of intoxicating liquors, and are otherwise defective; and it is expedient that the same be revised and amended; and that restrictions be imposed on the sale of toddy, and on the transit and custody of foreign or country spirits; and whereas it is necessary for the due security of the revenue derived from these sources, that discretionary authority be vested in collectors, either to retain the sale of spirituous liquors under their own management on account of the Government, or to rent the same to farmers; and likewise to authorize renters to subrent their farms, and to enable them to recover, by summary process, any arrears that may be due to them by their under renters. The Right Honourable the Governor in Council, has resolved to rescind Regulation I. of 1808; and to enact the following rules, to be in force from the date of their promulgation in the territories subject to the Presidency of Fort St. George, excepting the town of Madras, and the limits of His Majesty's Supreme Court of Judicature. Preamble.

II. Regulation I. of 1808, and such parts of Section XLIV. and XLV. Regulation IX. of 1816, and of Section XXXVIII. Regulation X. of 1816, as relate to certain clauses of Regulation I. of 1808, are hereby rescinded. Rescissions.

III. All persons are forbidden to manufacture or sell rum, arrack or other spirits; or toddy or other fermented liquors, except in conformity with the provisions of this Regulation. Spirituous liquors may be manufactured and sold only in conformity with this Regulation.

IV. *First.*—The Board of Revenue are hereby authorized to empower collectors to grant to Europeans, descendants of Europeans, Armenians or other persons whom such collectors may approve, licenses to establish, in such places as may appear to the Board to be proper, distilleries for manufacturing rum, arrack or other spirits, by process of distillation similar to the European system; and such licenses shall accordingly be issued by the collectors under their official signature, on the parties to whom they may be granted executing counterparts of such licenses, to be lodged with the said collectors respectively. Licenses to Europeans for the establishment of distilleries will be granted by the collectors under the orders of the Board of Revenue.

Second.—The license for the establishment of every such distillery, shall be prepared according to a form to be approved by the Board of Revenue, and shall contain a stipulation that the whole of the spirituous liquor manufactured at such distillery shall be exported by sea. Stipulation for the export of all the produce of such distilleries.

Third.—Any European or descendant of a European, or other person, who, in breach of the stipulation in his distillery license held under the provisions of this Section, shall directly or indirectly, sell or permit to be sold, any such spirituous liquors Penalty for the breach of the foregoing provisions.

liquors to any European sailor or soldier, or to any Native of India or other person, shall, on proof thereof to the satisfaction of the collector, be liable to the forfeiture of his license, under the orders of the Board of Revenue, to whose final decision every such case shall be referred.

No European British subject to be allowed to establish a distillery until he has produced his license to reside.

Fourth.—It is hereby declared, that no license for the establishment of a distillery shall be granted to any British subject until he shall have complied with the provisions of the Act of the 53d Geo. III. c. 155, clause 108; and shall produce to the collector, the copy duly attested by the Civil Judge of the zillah, of the license granted to him by the Government permitting him to reside at the place in which such distillery is intended to be established.

Penalty for working distillery without license.

Fifth.—Any person who shall be found working a distillery of the kind above specified without obtaining a license, or after the period for which his license was granted, and before obtaining a renewal thereof, or after the forfeiture of his license under the provision of Clause fourth of this Section, shall on proof of the fact before the Criminal Judge of the zillah, forfeit all the spirits manufactured at such distillery, together with all the stills, vessels, and other moveables appertaining thereto; and also the sum of two rupees for every gallon which each still in such distillery is calculated to contain, for each day in which he shall appear to have worked such still in the said distillery without a license.

The exclusive manufacture and sale of spirituous liquors may be farmed out or retained under the orders of the Board of Revenue.

V. *First.*—The Board of Revenue are hereby authorized to empower collectors, either to retain the exclusive privilege of manufacturing country arrack, toddy and other fermented liquors, as well as the retail sale of foreign or country manufactured spirits, toddy and other fermented liquors, in their respective districts, under their own immediate management, on account of Government; or to rent out those privileges, jointly or separately, for such periods as may be deemed eligible.

Board of Revenue to frame general rules.

Second.—The Board of Revenue are also authorized and directed to frame rules; and from time to time as occasion may require, to alter, amend and enlarge such rules, for regulating the exclusive manufacture and sale of country arrack, toddy and other fermented liquors; and the exclusive sale of foreign spirits; and for determining the places at which stills and shops shall be erected, and the number of such in each zemindaree or other division of territory; the rates to be established, and measures to be used in the sale of such spirits and liquors; the due publication of such rates and measures, and generally all matters relating to the detailed management and control of such distilleries and shops.

No stills or shops to be established but under a license according to a form to be prepared by the Board of Revenue.

VI. *First.*—Forms of licenses for renting out the exclusive privilege of manufacturing country arrack, toddy or other fermented liquors, and of retailing spirituous liquors, shall be prepared by the Board of Revenue; and no renter shall be allowed to establish a still or shop, until he shall have obtained such license from the collector of the district, and executed a counterpart thereof to be lodged with the said collector.

Specifications of the license.

Second.—The license shall specify the amount of rent by the year to be paid during the period for which the rent is farmed, the amount of the kists, and the times when they are to be discharged, the minimum price at which the liquor is to be sold, the number of stills and shops to be established, and the places at which they are to be fixed. The license shall likewise contain stipulations that the renter shall not allow any noxious ingredients to be used in the preparation and manufacture of liquor; and that he shall use his best endeavours to prevent all forbidden and improper practices at the shops to be opened under his license.

Muchilkas of distillers and venders under the renter.

Third.—Muchilkas or engagements shall be prepared by the Board of Revenue, to be translated into the country languages, particularizing the rules to be observed by persons employed by the renters to superintend distilleries or shops for the manufacture or vend of spirituous liquors.

Muchilkas of distillers what to specify.

Fourth.—The Muchilkas of persons entrusted with the superintendence or management of distilleries shall specify that they will not mix or knowingly permit to be mixed in the liquors distilled at the stills under their charge respectively, any ingredient pernicious to health, such as chunam, oomittakáy or other material intended to increase the power of the spirit, or to add to its intoxicating quality.

Muchilkas of venders what to specify.

Fifth.—The Muchilkas of persons in charge of shops for the retail sale of spirits shall contain stipulations necessary to prevent such shops from becoming places of drunkenness,

drunkenness, or the haunts of thieves or persons of notoriously bad character, and shall forbid the receiving of grain, goods, wearing apparel or other effects, in barter or pawn for liquor, and likewise the selling of liquor to European soldiers and sailors.

Sixth.—Every person placed by the renter, or by the collector when the abkary is retained in his management, in charge of a still or shop shall sign in duplicate the muchilka mentioned in the foregoing clauses, after the same shall have been read over by him, or read and explained to him if he is unable to read it himself. Two creditable persons shall be present when the muchilka is acknowledged and executed by him, and shall sign their names in testimony of such acknowledgment; one copy of the said muchilka shall be deposited with the collector, and the other shall be fixed up in some conspicuous place of the shop or distillery.

Muchilkas how to be executed.

Seventh.—Persons charged with having mixed or permitted to be mixed, noxious ingredients with the liquors prepared or distilled by them, or under their directions, shall be committed for trial before the Court of Circuit, and on conviction of such offence shall be subject to imprisonment and hard labour on the public roads for a period not exceeding three years.

Penalty for mixing noxious ingredients in the distillation of arrack.

Imprisonment and hard labour not exceeding three years.

Eighth.—Persons convicted before the magistrate of permitting drunkenness and riot in their shops, or of harbouring thieves or persons of notoriously bad character, or of bartering or pawning liquor for grain, wearing apparel or other effects, shall be sentenced to pay such fine, not exceeding two hundred rupees, as may appear to the magistrate an adequate punishment for their offence; the amount of such fine to be levied by distress and sale of the property of the offender; or, if no property of such offender be found, or not sufficient to pay the amount of such fine, or otherwise in default of the payment of such fine, such offender shall be sentenced to imprisonment for such time as may appear to be a fair commutation for such fine or portion of the fine as may be due: provided that such imprisonment shall in no case exceed six months.

Penalty for harbouring thieves, &c.

Fine not exceeding 200 Rupees;

or imprisonment not exceeding six months.

Ninth.—Any person who shall erect a still, or establish a shop, or sell liquor without a license, or at any other place or places than the place or places mentioned in his license, and kabooleat, or after the expiration of his license and before having obtained a renewed license, shall, on conviction before the Criminal Judge be sentenced to pay such fine, not exceeding four hundred rupees, as may appear adequate to his offence; the amount of such fine to be levied by distress and sale of the property of the offender, or if no property of such offender be found, or not sufficient to pay the amount of such fine, or otherwise in default of the payment of such fine, the offender shall be sentenced to imprisonment and hard labour for such time as may appear to be a fair commutation for such fine or portion of the fine as may be due: provided that for such fine the imprisonment shall in no case exceed twelve months.

Penalty for distilling or selling without a license.

Fine not exceeding 400 rupees;

or imprisonment not exceeding twelve months.

VII. Collectors shall, on requisition made to them to that effect, furnish Criminal Judges of their respective zillahs with lists of the names and residence of all persons authorized to work stills or superintend shops under any of the provisions of this Regulation, specifying the places at which such persons are permitted to establish stills or shops.

Collectors to furnish criminal judges with lists of licensed persons when required.

VIII. Collectors are empowered to proceed against renters under this Regulation for the recovery of arrears due by them, in like manner as for the recovery of arrears from defaulters in the land revenue.

Collectors empowered to recover arrears by summary process.

IX. *First.*—Persons who shall have rented the exclusive manufacture or sale of spirituous liquors, are hereby declared to be authorized to subrent their farms on such pecuniary terms as they may respectively agree upon.

Renters of abkary may subrent.

Second.—It is hereby declared, that the engagements to subrent abkary privileges and farms; as well as receipts and acknowledgments between renters and sub-renters, are not required to be written on stamped paper, but shall be exempt from stamp duty in the same manner as instruments of correspondent descriptions which have relation to lands subject to the payment of revenue to Government are exempt therefrom under Clause First, Section XII. Regulation XIII. of 1816.

Agreements to subrent not to be executed on stamped paper.

Third.—Subrenters of the privilege of distilling or selling spirituous liquors shall respectively execute, in the mode prescribed in Clause Sixth, Section VI. of this

Subrenters to execute the Muchilka prescribed in Section VI.

Regulation, the muchilka enjoined to be entered into by persons engaged in distilling or selling spirituous liquors.

Renters authorized to recover arrears from subrenters by summary process.

X. Renters under this Regulation are authorized to proceed against subrenters for the recovery of arrears in the same manner as it is prescribed, that recovery of arrears of the land revenue shall be recovered by landholders from their tenants.

No spirits to pass without a permit; and no one to have any spirits in custody without a permit.

XI. *First.*—The transit of any quantity exceeding one seer of spirituous liquor, without a permit, is hereby prohibited, and all persons not being renters or officers of Government authorized to dispose of spirituous liquors, are prohibited from having in their possession any quantity thereof exceeding one seer, without a valid permit.

Permits by whom to be issued and what to specify.

Second.—Permits for the transit of spirituous liquors shall be issued only by the collectors or their assistants, or by abkary renters or their subrenters. Each permit so issued shall specify the quantity of liquor which it is intended to protect; the name of the person to whom, and the period for which it is granted; the place from which the liquor is to be removed, and the place to which it is to be carried.

Permits how far valid.

Third.—The permit of a collector or his assistant shall pass any quantity of spirituous liquor, and shall be held valid throughout the territories subject to the Government of Fort St. George; the permit of an abkary renter or of his subrenter shall not pass more than 150 gallons of spirituous liquor, or one leaguer, and shall not be held valid beyond the boundaries of his own farm. To protect the transit of spirituous liquor exceeding 150 gallons, or one leaguer, not produced within the boundaries of his farm, a renter, like other individuals, must apply for a permit to the collector or his assistant.

Limitation as to the issue of permits.

XII. In order to confine the retail sale of spirituous liquors exclusively to the officers of Government, or to renters or subrenters authorized to sell the same, the collectors and their assistants are hereby prohibited from granting permits for any quantity of spirituous liquors less than two leaguers, except to abkary renters or subrenters, or to their own agents for the sale of liquor on account of government; or to European gentlemen, on account of liquor for their private use; but collectors or their assistants may issue permits for the custody or transit of any quantity of liquor exceeding that above-mentioned to wholesale dealers, or others possessed of, or desirous of purchasing the same.

Collectors may demand security from persons possessed of more than two leaguers of spirits.

XIII. *First.*—Collectors shall be at liberty to demand from those who may have in custody more than two leaguers of spirituous liquor, full and ample security that the same shall not be disposed of in any quantity less than two leaguers, except to the renters, subrenters or officers of Government.

And in default thereof may secure the liquor by seal and lock and key.

Second.—In the event of the persons in whose custody such liquor may be placed not producing security which the collector may deem satisfactory, the collector shall be at liberty to place his seal upon the doors of the premises where the same may be deposited, and to secure them further by a lock and key. The owner, however, with the privity of the collector, shall continue to have access to his property at all reasonable times; it being understood that the charge and custody of the liquor shall remain with him, and that the seal and lock of the collector are merely intended to prevent the illicit removal or sale thereof.

Spirituous liquor on transit without a valid permit, or in the possession of any one unaccompanied by a permit, liable to confiscation.

XIV. All spirituous liquor, passing through the territories under this Government, without the limits of the Supreme Court of Judicature at Madras, unaccompanied by a valid permit, or materially differing from the quantity specified in the permit, and all spirituous liquors found in the possession of wholesale dealers or others, not being renters or officers of Government, authorized to dispose thereof, without the party possessing a valid permit, shall be liable to be confiscated by the collectors, subject to the orders of the Board of Revenue: one third of the proceeds, when confiscated, shall be carried to the account of Government, and the remainder shall be divided between the informer and the person making the seizure, in such proportion as the collector, under the orders of the Board of Revenue, may deem just and proper.

And the parties liable to punishment.

XV. All persons passing spirituous liquor unaccompanied by a valid permit or materially exceeding the quantity specified in the permit; all persons attempting the same; all persons having in their possession spirituous liquors exceeding one seer without a valid permit; and all persons who, without the privity of the collector

collector, shall remove the seal or lock which he is authorized by Section XIII. of this Regulation to place on the doors of certain premises, shall on proof thereof before the Criminal Judge, be liable to the payment of a fine, in no case exceeding five hundred Rupees, and in default of payment, to imprisonment for a period not exceeding twelve months.

Fine not exceeding 500 rupees;

or imprisonment not exceeding twelve months.

XVI. *First.*—Magistrates are hereby authorized to issue search warrants for the discovery of unlicensed stills, or of spirituous liquors illicitly sold, manufactured or deposited in any place, whenever information may be given to them on oath, or obtained by them from proceedings holden in any investigation before them, or from any credible source, that such illicit manufacture, sale or transport has taken place.

Magistrates may issue search warrants to discover illicit distillers, shops, &c.

Second.—Provided always, that no such search warrant shall be executed, but between sunrise and sunset, nor in the apartments of women of respectability and credit who do not ordinarily appear in public, except by women who shall be specially deputed by the magistrate to execute such warrant.

Search warrant how to be executed in houses.

XVII. *First.*—Nothing in this Regulation shall be construed to authorize any public officer conducting the sale of spirituous and fermented liquors on account of the Government, or any renter, to compel or require the owner or occupier of any private garden or ground to draw toddy from cocoa, date, or other palm trees; nor shall any such officer or renter have any right of control or interference therewith, other than to prevent the sale by unlicensed persons of toddy drawn therefrom.

Occupiers of private gardens not compellable to draw toddy.

Second.—No renter of the exclusive privilege of selling arrack or toddy shall be entitled to levy any personal tax, ground rent, quit rent, tope rent, nor any tax payable by toddy drawers, unconnected with the exclusive privilege of vending toddy. All such lawful taxes shall be collected by the officers of Government, or by persons appointed by Government to collect them.

No abkary tax payable, but to Government.

A. D. 1820. REGULATION II.

A REGULATION for giving greater publicity to certain Clauses of the Act 53 Geo. III. c. 155, passed by the Governor in Council of Fort St. George, on the 18th July 1820.

IN order that the native inhabitants of the territories subordinate to the Presidency of Fort St. George may be made acquainted with the provisions which have been recently enacted by the British Legislature for protecting their persons and properties, against European British subjects residing among them, it has been deemed expedient that such Clauses of the Act 53 Geo. III. c. 155, as render European British subjects amenable in certain cases to the local Courts, and also such Clauses of the said Act as relate in any way to the jurisdiction of the said Courts, should be inserted in a Regulation and printed with translations in the country languages. The Governor in Council has therefore been pleased to enact as follows.

Preamble.

II. The following Clauses of the Act 53d Geo. III. c. 155, shall be translated into the Persian, Telogoo, and Tamil languages, and into such other of the native languages as the Governor in Council may hereafter be pleased to direct, and shall be published for the information of the native inhabitants of the territories subordinate to the Presidency of Fort St. George, viz.

Certain Clauses of the Act 53 Geo. III. c. 155, to be translated into the country language, and promulgated.

“ CV. And whereas His Majesty's British subjects resident in the British territories in India, without the towns of Calcutta, Madras, and the town and island of Bombay are now by law subject only to the jurisdiction of His Majesty's Courts at Calcutta, Madras and Bombay respectively, and are exempted from the jurisdiction of the Courts established by the said United Company within the said territories, to which all other persons, whether natives or other inhabitants in the said territories without the limits of the towns aforesaid, are amenable: And whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which may be committed by British subjects at a distance from the places where His Majesty's Courts are established, as in case of civil controversies with such British subjects; Be it therefore enacted, that it shall and may be lawful for any native of India, resident in the East Indies, or parts aforesaid, and without

Justices of peace in the provinces shall have jurisdiction in case of assault and trespass committed by British subjects on the natives of India.

the said towns, in case of any assault, forcible entry, or other injury accompanied with force, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the magistrate of the zillah or district where the alleged offender shall be resident, or in which such offence shall have been committed; and that such magistrate shall have power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the person accused; and, in case of conviction, to inflict upon such person a suitable punishment, by fine, not exceeding five hundred rupees, to be levied in case of non-payment by warrant under the hand of the said magistrate, and upon any property of the party so convicted, which may be found within the said district; and if no such property shall be found within the said district, then it shall be lawful for the said magistrate, by warrant also under his hand, to commit such offender to some place of confinement within the said zillah or district, which in the judgment of the said magistrate shall be fit for receiving such offender; or if there shall be no fit place of confinement, then to the gaol of the Presidency, to remain there for a period not exceeding two months, unless such fine shall be sooner paid; and it shall be lawful for the said magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury: Provided always, that in all cases of conviction of a British subject, under the provision hereinbefore contained, the magistrate before whom such conviction shall take place, shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place wherein the offence was committed is or shall be subordinate: Provided also, that all such fines shall be paid in the first instance, to the magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the party aggrieved, as aforesaid, if any, shall be transmitted by such magistrate to the clerk of the Crown, or other officer to whom it belongs to receive fines in His Majesty's Court of Oyer and Terminer and Gaol Delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such Court of Oyer and Terminer and Gaol Delivery: Provided also, that all such convictions shall and may be removable by writ of Certiorari into the said Court of Oyer and Terminer and Gaol Delivery respectively, in the same manner, and upon the same terms and conditions, and shall be proceeded upon in the same manner in every respect as is directed in the said Act of the Thirty-third year of his Majesty's reign, with regard to other convictions before Justices of peace in the British settlements or territories in India: Provided also, that nothing herein contained shall extend, or be construed to extend to prevent such magistrate from committing or holding to bail any British subject, charged with any such offence before him, in the same manner as such British subject might have been committed or holden to bail if this Act had not been passed, where the offence charged shall appear to such magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of His Majesty's Courts to which such British subject may be amenable."

Copy of conviction and proceedings to be sent to the Government.

Fines to be paid to the magistrate.

Application thereof.

Convictions removable by Certiorari, and subject to provisions of 33 Geo. III. c. 52.

Justices of the Peace to have jurisdiction in cases of small debts due to natives from British subjects.

" CVI. And be it further enacted, that in all cases of debt not exceeding the sum of fifty rupees, alleged to be due from any British subject to any native of India, resident in the East Indies or parts aforesaid, and without the jurisdiction of the several Courts of Request established at Calcutta, Madras and Bombay respectively, it shall and may be lawful for the magistrate of the zillah or district where such British subject shall be resident, or in which such debt shall have been contracted, to take cognizance of all such debts, and to examine witnesses upon oath, and in a summary way to decide between the parties, which decision shall be final and conclusive to all intents and purposes; and in all cases where any such debt shall be found to be due from any British subject to any such native of India, the amount thereof shall and may be levied in the same manner, and subject to the same regulations and provisions, in respect to the commitment of the debtor, as are hereinbefore made and provided in respect to the levying of fines in case of the conviction of a British subject before such Magistrate.

British subjects residing, or trading, or occupying immovable property ten miles from the presidencies, to be subject to the local civil judicature.

" CVII. And be it further enacted, that all British subjects of his Majesty, as well the servants of the said United Company as others, who shall reside, or shall carry on trade or other business, or shall be in the occupation or possession of any immovable property in any part of the British territories in India, at the distance of

of more than ten miles from the several Presidencies of Fort William, Fort St. George, and Bombay respectively, shall be subject to the jurisdiction of all Courts which now have, or hereafter may have cognizance of civil suits or matters of revenue, either originally or by way of appeal, within the districts or places where such British subjects shall so reside, or carry on trade or business, or possess or occupy immoveable property, in all actions and proceedings of a civil nature, and in all matters of revenue, (except as hereinafter excepted), in like manner as natives of India, and other persons not British subjects, are now liable to the jurisdiction of such Courts by and under the Regulations of the several Governments of Fort William, Fort St. George, and Bombay respectively: Provided always, that no British subject shall be liable to be sued in any such Court in respect of residence, unless he shall have his residence within the jurisdiction thereof at the time of commencing the action or proceeding against him; or that the cause of suit shall have arisen within the jurisdiction of the said Court, and the suit shall be commenced within two years after the cause thereof shall have arisen, and also within six months after the defendant shall have ceased to reside within such jurisdiction; nor shall any British subject be liable to be sued in any such Court in respect of his carrying on trade or business within the jurisdiction thereof, unless the cause of suit shall have arisen within such jurisdiction, and shall relate to the trade or business so carried on; nor to be sued in respect of any immovable property possessed or occupied by him, unless such property shall be situated within the jurisdiction of the Court in which he shall be so sued, and such suit shall be brought to recover the possession or occupation of such property, or for rent, or other demand arising out of the possession or occupation of such property by such British subject: Provided also, that where by the Laws or Regulations in force, or hereafter to be in force, within the provinces respectively subject to the Governments of Fort William, Fort St. George and Bombay aforesaid, it would be competent to a party to any final judgment or decree of any subordinate, civil, or revenue Court of Judicature, to appeal therefrom to the Sudder Dewany Adawlut, or other Court however denominated, exercising within those provinces respectively, the highest appellate jurisdiction in civil suits, it shall be competent to British subjects of His Majesty, in suits commenced against them under the provisions of this Act, instead of appealing to the said Sudder Dewany Adawlut, or other Court so exercising the highest appellate jurisdiction as aforesaid, to appeal to the Supreme Court of Judicature at Fort William, or Fort St. George, or the Recorder's Court at Bombay, according as the suit may have been commenced in the Provinces subordinate to either of the said Presidencies; and such Court shall have the same powers as to suspending or allowing execution of the judgment or decree appealed against, and as to taking security for costs, or for the performance of the decree or judgment of the said subordinate Courts, as the said Sudder Dewany Adawlut, or other such Court as aforesaid, would have had, and shall also make rules of practice for the conduct of the said appeals, in all other respects conforming in substance and effect as nearly as possible to the course of procedure of the said Sudder Dewany Adawlut, or other such Court as aforesaid in cases of appeal: Provided also, that nothing herein contained shall extend or be construed to extend to take away the jurisdiction of the said Supreme Courts of Judicature at Fort William and Madras, or the said Recorder's Court at Bombay respectively; but that all persons having cause of action against any British subject may, at their election, instead of suing in such Provincial Courts as hereinbefore provided, commence and prosecute their said suits in the said Supreme Courts of Judicature, and the said Recorder's Court respectively, in the same manner as before the passing of this Act: Provided also, that nothing herein contained shall extend or be construed to extend, to authorize the holding or occupying of any land or other immoveable property, beyond the limits of the said several Presidencies, by any British subject of His Majesty, otherwise than under and according to the permission of the Governments of the said Presidencies."

Restrictions as to the grounds of jurisdiction of the local judicatures.

Where an appeal would lie to the Sudder Dewany Adawlut, or local Court, British subjects may appeal to His Majesty's Courts.

Not to bar the jurisdiction of the King's Courts.

The plaintiff may sue there at his election.

" CVIII. And be it further enacted, that every British subject of His Majesty, not in the service of His said Majesty, or of the said United Company, who, after the tenth day of April one thousand eight hundred and fourteen, shall go to, and reside in, any part of the British territories in India, distant more than ten miles from the Presidency to which the same shall be subordinate, with the permission of the Government of such Presidency, or who shall, after the said day, change his residence from one part thereof to another, distant as aforesaid, with such permission, shall procure from the chief Secretary of the said Government or

British subjects allowed to reside more than ten miles from the Presidency shall procure and register certificate of such permission in the Court of the district.

other officer authorized for that purpose, a certificate signed by the said chief Secretary or other officer, expressing that such British subject has the permission of such Government to reside at such place, specifying the same, and expressing also whether such permission has been granted during the pleasure of such Government or for any limited time; and the said certificate shall be deposited by such British subject in the Civil Court of the district in which he shall so go to reside, within one month after his taking up his residence there, and shall be kept among the records of the said Court, of which certificate so deposited, a true copy attested by the Judge or other officer of such Court thereto authorized, shall be given to the party depositing the same, and shall be deemed and taken in all Courts of Justice, and on all occasions whatsoever, to be good and sufficient evidence of such certificate, unless the contrary shall be shown: and no British subject not in the service of his Majesty or of the said United Company, going to reside in any such part of the British territories, or changing his residence from one part thereof to another, after the said day, shall be allowed, while he so resides, to have or maintain any civil action or proceeding (other than in the nature of an appeal) against any person whomsoever in any Court of civil jurisdiction within the British territories in India, until he shall have filed, in the Court in which such action or proceeding is commenced, a copy of such certificate signed by the Judge of the Court wherein the same is deposited; or an affidavit accounting to the satisfaction of the Court for not filing the same; and if it shall be proved to the Court in which such action is brought, that such British subject is residing at any place within the said territories, distant more than ten miles from the Presidency to which it is subordinate, without such certificate or otherwise than according to the permission contained in such certificate, or that such permission has been revoked, or that, being for a limited time, it has expired and has not been renewed, and that such British subject is therefore residing without permission at more than ten miles distance from such Presidency, such British subject shall thereupon be nonsuited."

And suing in any Civil Courts shall produce copy of such certificate, or an affidavit accounting for not filing it.

Natives of India in service of Company, subject to Provincial Courts.

"CIX. And whereas doubts have been entertained whether persons being natives of India, in the service of the United Company of Merchants of England trading to the East Indies, or of any of His Majesty's subjects, are amenable to the jurisdiction of the Provincial Courts established in the East Indies, or whether such persons, being natives of India, in the service of the said United Company, or of His Majesty's subjects, are not exclusively amenable to the jurisdiction of the said Courts at Fort William, Madras and Bombay respectively, and it is expedient that such doubts should be removed; Be it further enacted and declared, that all persons whosoever, being natives of India, who have been, now are, or hereafter may be employed, by or in the service of his Majesty, the said United Company, or of any of his Majesty's subjects, were, and are, and shall be subject and amenable to all Provincial Courts of competent jurisdiction for all crimes and misdemeanors, and in all actions and suits whatsoever, of which such Courts respectively could take cognizance, if the persons having committed such crimes or misdemeanors, or against whom the causes of such actions or suits shall have arisen, had not been employed by, or had not been in the service of his Majesty, or the said United Company, or any of his Majesty's subjects; any law, usage, or practice to the contrary thereof in any ways notwithstanding: Provided always, that nothing herein contained shall anywise oust the said Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay respectively, of any jurisdiction over any natives of India, which such Courts may now lawfully exercise; but such Supreme Courts of Judicature of Fort William and Madras and the said Court of the Recorder of Bombay respectively, as well as the Provincial Courts herein referred to, according to their several jurisdictions, shall have a concurrent jurisdiction over natives of India, employed by or in the service of the said United Company, or any of his Majesty's subjects."

Admiralty jurisdiction of King's Courts extended.

"CX. And whereas the Courts established by the said United Company have no jurisdiction over crimes maritime, and doubts have been entertained whether the Admiralty jurisdiction of his Majesty's Courts at Calcutta, Madras and Bombay, extends to any persons but those who are amenable to their ordinary jurisdiction; by reason whereof failures of justice may arise; Be it therefore enacted, that it shall and may be lawful for his Majesty's Courts at Calcutta, Madras and Bombay, exercising Admiralty jurisdiction, to take cognizance of all crimes perpetrated on the high seas, by any person or persons whatsoever, in as full and ample a manner as any

any other Court of Admiralty jurisdiction established by His Majesty's authority in any Colony or Settlement whatsoever belonging to the Crown of the said United Kingdom."

"CXII. And whereas great inconvenience has arisen from requiring civil servants of the said United Company, and other persons stationed at a distance from the Presidencies, to attend and take the oaths in the Courts of Oyer and Terminer of the said Presidencies, as prescribed by the said Act of the Parliament of Great Britain of the thirty-third year of His Majesty's reign; Be it therefore enacted, that all persons who shall be nominated and appointed in any such commissions of the Peace as are in the said act mentioned, shall be capable of acting as justices of the peace in every respect, according to the tenor of such commissions, upon taking and subscribing in any civil or criminal Court of Justice, within the Provinces in and for which any such commission shall have issued, before any other Justice of the Peace, in the like oaths as are appointed by the said Act to be taken in the Court of Oyer and Terminer of the Province or Presidency for which such persons shall be appointed to act as Justices of the Peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the Courts of Justice in which the said oaths shall have been administered."

Justices of the Peace may qualify by taking the oaths in any Court of Justice within the Provinces, 33 Geo. III. c. 52.

"CXIII. And whereas it is expedient that the Sudder Dewany Adawlut, and Nizamut Adawlut, or other Provincial Courts, however denominated, exercising the highest jurisdiction within the Provinces respectively subject to the governments of Fort William, Fort St. George and Bombay, should have power and authority to execute process of arrest, either civil or criminal, within the towns of Calcutta and Madras, and the town and island of Bombay, notwithstanding the jurisdiction of his Majesty's Courts established at those places respectively; be it therefore enacted, that it shall and may be lawful for the said Court of Sudder Dewany and Nizamut Adawlut, or other Provincial Courts aforesaid, to execute, or cause to be executed upon all persons subject to the jurisdiction of such Courts respectively, all manner of lawful process of arrest, within the respective limits of the towns of Calcutta and Madras, and of the town and island of Bombay, in the same manner as the said Courts respectively may, by virtue of any power now vested, or hereafter to be vested in them, lawfully execute, or cause to be executed, such process in any place situate without the said limits; any act, charter or other matter or thing whatsoever to the contrary notwithstanding: Provided always, that all such process which shall be executed within the limits aforesaid, shall be in writing, and shall have underwritten or endorsed thereon, or otherwise annexed thereto, a translation thereof, or of the substance thereof, in the English language and character, signed by one of the Judges of the Court from whence the same shall issue."

Provincial Courts of the highest jurisdiction, may arrest in civil or criminal process within the Presidencies, notwithstanding the jurisdiction of King's Courts.

Process to be in writing, with an English translation, and signed by a Judge.

A. D. 1820. REGULATION III.

A REGULATION to prohibit the storing of Tobacco within twenty miles of the limits of the Madras Mettus, except by Licensed Venders.—Passed by the Governor in Council of Fort St. George, on the 25th August 1820; corresponding with the 12th Auvanee of the year Vickramah 1742d year of Salewahan, and with the 15th Zeekhad 1225 Higeree.

THE clandestine introduction of tobacco into Madras from stores in the vicinity of the Presidency; the outrages with which this species of smuggling has been attended; and the great loss of revenue which has in consequence been incurred, have rendered it necessary to regulate the mode in which tobacco shall be stored within a certain distance of the range of the Madras Mettus. The following rules have therefore been passed by the Governor in Council, to take effect from the date of their promulgation.

Preamble.

II. *First*.—No person shall be allowed to store or have in his possession a greater quantity of tobacco than five viss at any place in the zillah of Chingleput less than twenty miles beyond the limits of the Madras Mettus, (as now or hereafter established), except the persons to be licensed by the Collector of Chingleput under Section IV. of this Regulation to vend tobacco to the inhabitants of the places where they reside, and of its vicinity.

Limits prescribed within which tobacco shall not be stored, except for local consumption.

Tobacco stored in breach of the foregoing rule liable to confiscation

The rule not to be applied to tobacco in transit accompanied with a rowana.

Rowanas for the protection of tobacco through the tract specified, how to be made out.

Collector of Chingleput to license venders of tobacco for the supply of the tract specified.

Venders engagements.

Penalty for breach of those engagements.

Penalty for clandestinely removing tobacco from the licensed stores.

On receipt of this Regulation, Collector of Chingleput to take security from persons having stores of tobacco within the specified tract.

On failure of security Collector to have joint custody of such tobacco till it is duly disposed of.

Second.—All tobacco stored in the possession of individuals, contrary to the foregoing rule, shall be liable to seizure and confiscation, in conformity with the ordinary rules for the seizure and confiscation of smuggled goods; except that from the proceeds of the sale of tobacco, one half only of the amount of duty shall be deducted, previously to the division thereof under the said rules.

III. *First.*—The foregoing rules shall not be construed to warrant the seizure of tobacco, whatever may be its quantity, which is not permanently stored, but is in transit through the tract specified in Section II. of this Regulation, although the same be temporarily lodged in a house or other building for security; provided such tobacco be accompanied by a rowana, and accord in quantity and kind with the specification of those particulars in the said rowana.

Second.—The rowanas which the Collector of Chingleput shall grant for the transit of tobacco, through the tract lying within twenty miles of the range of the Madras Mettus, shall specify the time during which they shall be in force.

IV. *First.*—The Collector of Chingleput is hereby authorized to grant to respectable individuals residing in the tract within twenty miles of the Madras Mettus, licenses, according to a form to be prepared by him, and approved by the Board of Revenue, authorizing the persons therein respectively named to store, and to vend tobacco for consumption at the places where they so reside, and in their immediate vicinity.

Second.—Every person to whom such license shall be granted shall enter into an engagement, either in the cutcherry of the Collector of the zillah of Chingleput, or in the cutcherry of the tahsildar of the talook, in a penal sum equal to ten times the value of the quantity of tobacco which he shall be allowed to store for sale, that he will not clandestinely introduce, nor connive at the clandestine introduction of any part of such tobacco into Madras, and that he shall forfeit not only all the tobacco so clandestinely introduced or attempted to be introduced into Madras, but also all the tobacco that may be found in his licensed store.

Third.—Any person who, having obtained a license to store tobacco within the limits above described, shall be detected in clandestinely introducing, or conniving at the clandestine introduction of any part of the tobacco so stored into Madras, or of removing, or permitting to be removed, any part of such tobacco from the store, except for use and consumption at the place of storing, shall forfeit the penalty of his engagement; and shall, moreover, be deprived of his license; and no other license to store tobacco shall thereafter be issued to him. The offender shall further be subject to such punishment as the existing laws shall prescribe for the offence of smuggling.

V. On receipt of this Regulation, the Collector of Chingleput shall be authorized to require from all persons having stores of tobacco within the limits specified in Section II. of this Regulation, good and sufficient security that they will not clandestinely introduce, nor cause, nor permit the clandestine introduction of any part of the said tobacco into Madras; and in default of such security being given, the Collector shall be at liberty to depute such officer of his establishment as he may think proper, to take an account of the quantity of tobacco so stored, and to have a joint custody thereof with the proprietor, until the said tobacco shall be removed under the Collector's rowana, and conveyed to one of the chokeys within the limits of the Madras Mettus, or elsewhere, for sale or consumption, after payment of the prescribed duties.

III.

REGULATIONS

Passed by the Governor in Council of *Bombay* in
the Year 1820.—N^o I. to VIII.

A. D. 1820. REGULATION I.

A REGULATION for declaring the Powers of the Governor in Council to provide for the immediate Punishment of certain Offences against the State, by the sentence of Courts Martial.—Passed by the Governor in Council on the 16th February 1820, corresponding with the 3d Falgoun Sood Sumbut or Vekramajet era 1876; Salbahan 1741; and 1st of Jumadyoolavul 1235 of the Higeree.

WHEREAS during wars in which the British Government has been engaged against certain of the native powers in India, certain persons owing allegiance to the British Government have borne arms, in open hostility to the authority of the same, and have abetted and aided the enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said Government; and whereas it may be expedient, that during the existence of any war in which the British Government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the Government, in any part of the British territories, subject to the Government of the Presidency of Bombay, the Governor in Council should declare and establish martial law, within any part of the territories aforesaid, for the safety of the British possessions, and for the security of the lives and property of the inhabitants thereof, by the immediate punishment of the persons owing allegiance to the British Government, who may be taken in arms, in open hostility to the said Government, or in actual commission of any overt act of rebellion against the authority of the same, or in the act of openly aiding and abetting the enemies of the British Government, within any part of the territories above specified. The following Regulation has been enacted by the Governor in Council, to be in force throughout the British territories immediately subject to the government of the Presidency of Bombay from the date of its promulgation.

Preamble.

II. The Governor in Council is hereby declared to be empowered to suspend, or to direct any public authority, or officer, to order the suspension of, wholly or partially, the functions of the ordinary criminal Courts of Judicature, within any zillah, district, city or other place, within any part of the British territories, subject to the government of the Presidency of Bombay, and to establish martial law therein, for any period of time while the British Government in India shall be engaged in war with any native or other power; as well as during the existence of open rebellion against the authority of Government, in any part of the territories aforesaid, and also to direct the immediate trial, by Courts Martial, of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being resident, within its territories, and under its protection, who shall be taken in arms, in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government, within any part of the said territories.

The Governor in Council, in time of war, or during the existence of rebellion, empowered to suspend, or to direct any public authority or officer to suspend, the functions of the ordinary criminal Courts of judicature in any district, city or other place within the British territories, and to establish martial law therein;

and to direct the immediate trial, by courts martial, of all persons owing allegiance to the British Government, who shall offend against this Regulation.

Persons owing allegiance to the British Government, who shall be convicted by the sentence of a Court Martial, of any of the crimes specified in the foregoing Section, shall be liable to the immediate punishment of death;

and to the forfeiture of their property and effects.

The Governor in Council not precluded by this Regulation from causing persons charged with any of the offences described in it, to be brought to trial before the ordinary Courts of Justice, or before any special Courts.

III. It is hereby further declared, that any person born, or residing under the protection of the British Government, within the territories aforesaid, and consequently owing allegiance to the said Government, who, in violation of the obligations of such allegiance, shall be guilty of any of the crimes specified in the preceding section, and who shall be convicted thereof, by the sentence of a Court Martial, during the suspension of the functions of the ordinary criminal Courts of Judicature and the establishment of martial law, shall be liable to the immediate punishment of death, and shall suffer the same accordingly, by being hanged by the neck till he is dead. All persons who shall, in such cases, be adjudged by a Court Martial, to be guilty of any of the crimes specified in this Regulation, shall also forfeit to the British Government all property and effects, real and personal, which they shall have possessed within its territories, at the time when the crime of which they may be convicted shall have been committed.

IV. The Governor in Council shall not be precluded, by this Regulation, from causing persons charged with any of the offences, described in the present Regulation, to be brought to trial, at any time, before the ordinary Courts of Judicature, or before any special Court appointed for the trial of such offences, under Regulation X. 1819, instead of causing such persons to be tried by Courts Martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.

A. D. 1820. REGULATION II.

A REGULATION for explaining Regulation I. A. D. 1818, entitled, "A Regulation for imposing a duty on all Opium made out of the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay;" and for the more effectually preventing the clandestine importation of Opium into the town and island of Bombay, and into any port or place whatsoever within the authority of the Governor in Council of Bombay, or within the limits of any of the territories dependent on the Presidency of Bombay.—Passed by the Honourable the Governor in Council of Bombay, on the 10th of May 1820, corresponding with the 13th of Vaisack Vud Sumbut, or Vickramajet era 1876; Salbahan 1742; and 26th Rujub of the Hejree.

Preamble.

WHEREAS in and by the said Regulation I. 1818, a duty at the rate of twelve rupees per surat seer was imposed on all opium, excepting opium made within the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay; and whereas doubts have arisen whether the provisions of the said Regulation extended to such opium imported or brought into the town or island of Bombay; and whereas also, it is expedient to make further Regulations respecting such duty, and to impose further fines, penalties and forfeitures for the non-payment of such duty, and for the breach of the above recited Regulation; the Honourable the Governor in Council accordingly hereby enacts and declares as follows:—

Regulation I. of 1818 in force in Bombay, and in all places within the authority of the Government of Bombay.

II. That the said Regulation I. 1818, and the provisions contained therein, were and are in force, in respect of, and do extend to and shall be applied, practised and put in execution, for and in respect of all opium, except as therein excepted, imported or brought, as well into the said town and island of Bombay, and into any port or place whatsoever within the authority of the said Governor in Council in Bombay, as into any other port or place within the limits of any of the territories dependent on the Presidency of Bombay.

All opium imported therein contrary to this Regulation and I. 1818 shall be deemed smuggled and forfeited to the East India Company, together with the

III. That all opium which shall be imported or brought into the said town or island of Bombay, or into any other port or place whatsoever within the authority of the said Governor in Council, or within the limits of any of the territories dependent on the said Presidency of Bombay, in any manner contrary to the provisions of this and the said recited Regulation, shall be taken and deemed to be clandestinely imported and smuggled, and shall be forfeited to the United Company of merchants

merchants of England trading to the East Indies, together with the packages, in which the same is packed and contained, and also all the ships, vessels, boats, camels, horses, bullocks or other cattle, or carriages used in the importing, removing or carrying the said opium; and such opium, and the packages containing the same, if found by any officer or officers of the Custom House, or of the Collector, or of the Magistrates of Police, in the custody of any person or persons being in any ship, vessel or boat, or carrying and conveying the same on land, together with the ships, vessels, boats, camels, horses, bullocks and other cattle, or carriages, shall and may be stopped and seized by any such officer or officers, who are hereby authorized and required to put and secure such opium and the packages containing the same, in some house, warehouse or godown belonging to the said Company, in the port or place next to the place where such stoppage and seizure shall be made, there to remain until the claimer of the same shall make proof before the Court of Petty Sessions for the town and island of Bombay, if such stop or seizure shall be made at a place within the limits of the jurisdiction of the said Court of Petty Session, that the said opium has been duly imported according to the provisions of the said recited Regulation, and that the duties on the said opium have been paid or secured; and in case such stoppage and seizure shall be made at any other place beyond the limits of the said jurisdiction, until the claimer shall make like proof before any magistrate of the district within which such stoppage and seizure shall be made; provided such proof be made within ten days after the said stoppage and seizure shall have been made; in failure whereof, the said opium and the packages containing the same, and the ships, vessels, boats, camels, horses, bullocks, cattle and carriage used in removing, carrying or conveying the same, shall be forfeited, one third thereof to the informer, the other two thirds to the United Company of Merchants trading to the East Indies.

packages containing, or vessels or animals conveying the same.

Officers of the Customs and others authorized to seize,

and secure the same in Government warehouses next to the place of seizure,

till the claimer make proof of the legal transit of the opium; if in Bombay, before the petty sessions;

If in any subordinate district before the magistrate of such district,

within ten days after the seizure; on failure, the opium with the packages containing, and vessels and animals conveying it, shall be forfeited, one third to the informer and two thirds to the Company

IV. And for the more effectually discovering and detecting the clandestine importation of opium, it is hereby enacted by the authority aforesaid.

First.—That if any credible person shall give information on oath before the Collector of the Customs of Bombay, or the Collector of Bombay, or before any Magistrate or Collector of any the territories within the authority of, or dependent on the said Government of Bombay, that any smuggled or clandestinely imported opium is harboured, kept and concealed in any ship, boat or other vessel, or in any house, shop, cellar, warehouse, godown, room, compound, field, garden or any other place whatsoever, the said Collector of the Customs, the said Magistrate or Collector, before whom such information on oath shall be given, is hereby authorized and required to issue his warrant under his hand and seal sent to a constable or other public officer, or to any trust-worthy person or persons, commanding the said constable, public officer, or other person or persons to whom the said warrant shall be so directed, to enter, in the day time, any such ship, boat, vessel, house, shop, cellar, warehouse, godown, room, compound, field, garden or place, as may be specified in the said information, or pointed out by the said informer, and in case of resistance, to break open doors, chests, bales of goods, and other packages, and there to search for and to seize, and from thence to bring all such smuggled or clandestinely imported opium as shall there be found, together with the contents of such chests, bales of goods, or other packages in which the same may be found, and to put and secure the same in some warehouse, or other house or godown belonging to the said Company, in the port or place next to the place where such seizure shall be made, there to remain until the claimer of the same shall make proof before the Court of Petty Sessions for the town and island of Bombay, if such seizure shall be made at any place within the limits of the jurisdiction of the said Court of Petty Sessions, that the said opium has been duly imported according to the provisions of this and the said recited Regulation, and that the duties on the said opium have been paid or secured; and if such seizure shall be made at any other place beyond the limits of the said jurisdiction, until the claimer shall make like proof before a magistrate of the district within which such seizure shall be made; provided always, that such proof be made within ten days after the said seizure shall have been so made, in failure whereof, the said opium, together with all and every chest, bale of cloth, and other package, and the whole of the contents of such chest, bale or package, shall be forfeited; one third thereof to the informer, the other two thirds to the United Company of Merchants of England trading to the East Indies.

On information of smuggled opium being in any place, given on oath, to any Collector of Customs, or Collector or Magistrate:

such Collector or Magistrate is to issue his warrant for the search of the places pointed out, and seizure of the opium, with the packages and vessels containing it.

and the same shall be lodged in a Government warehouse next the place of seizure, until the claimer make proof of the legal import of the opium; if in Bombay, before the petty sessions; if in any subordinate district, before the Magistrate of such district;

within ten days after the seizure.

On failure, the opium with its package or chest and all contents of such package shall be forfeited, one third to the informer and two thirds to the Company.

Any person knowingly keeping or concealing smuggled opium shall forfeit the opium and double the value of it, and double the amount of the established duties upon it.

Secondly.—That in case any person or persons whatsoever shall knowingly harbour, keep or conceal, or shall knowingly permit or suffer to be harboured, kept or concealed, such clandestinely imported opium, the party or parties offending therein, whether he, she or they have not, or do or do not claim or pretend to have any property or interest in such opium so harboured, kept or concealed, shall for every such offence forfeit and lose all such opium so harboured, kept and concealed, and double the value thereof, together with double the full amount of the duty imposed on such opium by the said recited Regulation.

Seizures of opium to be prosecuted, if not exceeding one maund, or, including packages, &c. rupees 500, in a summary way, and determined, if to Bombay, before the Court of Petty Sessions.

If in any subordinate districts before the Magistrate of such district.

And which Court of Petty Sessions or Magistrate is empowered to summon the party from whom the seizure was made, at a time and place prefixed;

and to examine and proceed to condemn such opium as may be found to be forfeited, with the packages containing, or vessels or animals by which it was conveyed; and to issue warrant for the sale thereof.

If exceeding one maund, or the packages the value of rupees 500, the seizure made in Bombay, to be prosecuted in the Court of Recorder;

if in any subordinate district, in the Court of Adawlut of such district.

V. It is hereby also provided, enacted and declared, by the authority aforesaid, that where any opium shall be seized as forfeited by virtue or in pursuance of this and the said recited Regulation, all such seizures shall and may be prosecuted in manner hereinafter mentioned, that is to say; *First*, In every case where the whole quantity of the opium, at any one time, for that cause seized, doth not exceed one maund; or the ships, vessels, boats, camels, horses, bullocks or other cattle, or carriages used in the importing, receiving, or carrying the said opium, do not exceed in value 500 rupees, such seizure shall, and may, in a summary way be proceeded upon, heard, examined into and determined in the manner hereinafter mentioned, that is to say, in case such seizure shall happen to be made in any place within the limits of the jurisdiction of the Court of Recorder in Bombay, the same shall and may, in a summary way, be proceeded upon and examined into, heard, adjudged and determined by and before the said Court of Petty Sessions; and in case such seizure or seizures shall happen to be made out of the limits of the local jurisdiction of the said Court of Recorder, then and in such case the same shall and may, in a summary way, be proceeded upon, examined into, heard, adjudged and determined by and before the magistrate residing near to the place where such seizure or seizures shall be made; and which said Court of Petty Sessions and Magistrates respectively, within their respective jurisdiction, shall be and are hereby authorized and empowered to cause the respective person or persons, in whose custody such opium so to be seized as aforesaid, was found at the time of the seizure thereof, to be summoned to appear before the said Court, at a certain time and place to be prefixed by the said Court and the said Magistrates respectively, who are hereby fully authorized, empowered and required, upon the appearance or default of such person or persons so to be summoned, to examine into the cause of such seizure or seizures, and thereupon to proceed to give judgment for the condemnation of such opium so seized, as upon due examination shall be found to be forfeited by virtue of this and the said recited Regulation, together with the packages containing the same, and the ships, vessels, boats, camels, horses, bullocks, cattle and carriages used in removing, carrying or conveying the same, and to issue their warrants for the sale thereof.

Secondly.—In every case where any opium shall be seized as forfeited by virtue or in pursuance of this and the said recited Regulation, and where the whole quantity of the opium at any one time for that cause seized doth exceed one maund, or the ships, vessels, boats, camels, horses, bullocks or other cattle, or carriages used in the importing, removing or carrying the said opium, do exceed in value rupees 500, all such seizures shall and may be prosecuted in manner thereafter mentioned, that is to say, in case such seizure happen to be made in any place within the limits of the jurisdiction of the Court of the Recorder of Bombay, by information to be exhibited in the said Court, and in case such seizure or seizures shall happen to be made out of the limits of the local jurisdiction of the said Court of Recorder, then and in such case the same shall and may be prosecuted by suit in any Zillah Court established within the districts or places where such seizure or seizures shall be made, and having cognizance of civil suits.

A. D. 1820. REGULATION III.

A REGULATION for annexing to the Zilla of South Concan certain villages on the Sea Coast in Paut and Ajgaon turufs in the Sawunt Waree district, formerly composing part of the territories of the Sawunt Waree state, and ceded to the Honourable East India Company; and for fixing the Sudder station of that Zilla.—Passed by the Honourable the Governor in Council on the 17th May 1820, corresponding with the 5th First Jest Sood Sumbut or Vekramajet era 1876; Salbahan 1742; and the 4th Shaban 1235 of the Hijree.

WHEREAS the sea coast villages in the turuf of Paut and Ajgaon have been ceded to the Honourable the East India Company in full sovereignty by the Sawunt Waree state, it has been judged advisable to annex the same to the zillah of South Concan; and whereas no Sudder station has as yet been fixed on for this zillah, the following rules have been enacted. Preamble.

II. The under-mentioned villages on the sea coast of the turuf of Paut and Ajgaon shall be annexed to the zillah of South Concan, and the laws and regulations established for the internal administration of the zillah are hereby declared to be in full force and effect in the afore-mentioned cession from the 17th of February 1819, being the date from which the authority of the British Government has effect in these territories, viz. Raree Arowlee, Seerowdee, of Ajgaon, and Dabolee, Kanolee, Keyloos, Mahapun, Konchurey, Purolen of Paut. Villages in Paut and Ajgaon annexed to the zilla of South Concan.

III. The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in the afore-mentioned cession, the cause of action in which may have originated previously to the 17th of February 1807, being a period of twelve years antecedent to the said cession. Date from which Civil Courts shall take cognizance of suits.

IV. The operation of Regulation III. 1814 is limited to the 17th of February 1819, and of Section XIII. Regulation XIV. 1815 to the 1st day of January 1821, of which due notice shall be given by the proper authorities. The operation of certain Regulations limited.

V. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the aforesaid territory previously to the date specified in Section II. Date from which Criminal Courts shall take cognizance.

VI. The Sudder station of the Zilla of South Concan shall be fixed at the town of Rutnagiree, and the public authorities shall be removed thereto as soon as the Governor in Council shall direct. Rutnagiree the Sudder station of South Concan.

A. D. 1820. REGULATION IV.

A REGULATION for withdrawing from the jurisdiction of the Regulations of Government, the Talooka belonging to the Chieftain of Balaseenor and Veerpoor.—Passed by the Honourable the Governor in Council of Bombay on the 2d of August 1820, corresponding with the 9th Assad Vud Sumbut or Vekramajet era 1876; Salbahan 1742; and the 22d Shaval 1235 of the Hijree.

WHEREAS the Honourable the Governor in Council of Bombay is pleased to declare that the talooka belonging to the tributary chieftain of Balaseenor and Veerpoor shall not be held subject to the Regulations of Government, the following enactment has accordingly been passed, to be in force from the date of its promulgation. Preamble

II. Such parts of Regulation III. 1819, as relate to the incorporation of the talooka of Balaseenor and Veerpoor into the eastern zillah, north of the Myhee, are rescinded. Balaseenor and Veerpoor withdrawn from the jurisdiction of the eastern zilla, north of the Myhee.

III. All suits which may have arisen within the limits of the talooka, and which may be depending, shall be struck off the file of the Zillah Court, and the value of stamp paper paid by the parties in such suits shall be returned to them. Suits from Balaseenor and Veerpoor to be struck off the file and value of stamp paper to be returned to the parties.

Civil and criminal prisoners from Bala-
seenor and Veerpoor
to be delivered to
the chieftain of the
talooka.

IV. The civil and criminal prisoners in the jail of the eastern zillah, north of the Myhee, who may belong to the talooka, and not otherwise subject to the jurisdiction of the Zillah Court under the general regulations, shall be delivered over to the chieftain.

A. D. 1820. REGULATION V.

A REGULATION for abolishing the Provincial Court of Appeal, and adapting the powers, &c. of the Sudder Adalut to the change, and for removing the latter Court from Bombay to the city of Surat.—Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartick Vud Sumbut or Vikramajeet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

Preamble.

WHEREAS it has been deemed essential to the impartial, prompt and efficient administration of justice, and to the permanent security of the persons and properties of the native inhabitants of these provinces, that the Governor in Council of Bombay, exercising the legislative and executive authority of the state, should administer the judicial functions of the Government, by the means of Courts of Justice, distinct from the legislative and executive authority; and whereas it has likewise been deemed advisable, with the view to shorten and simplify the process of litigation, to abolish the Provincial Court of Appeal, the following enactment is passed, to have effect from the 1st of January 1821.

Provincial Court of Appeal abolished, and all Regulations relative thereto rescinded.

II. The Provincial Court of Appeal instituted by Section III. Regulation II. 1805, is hereby abolished, and that Section rescinded, together with Regulation VI. 1812, and all such parts of the Regulations in force as relate to that Court.

Regulations rescinded, in order to adapt the Sudder Adalut to the change.

III. In consequence of the abolition of the Provincial Court of Appeal, it is necessary that the powers of the Sudder Adalut should be adapted to the change; Regulations VII. of 1800, and VII. of 1812, are therefore rescinded.

Sudder Adalut transferred to Surat, and to consist of four judges, covenanted civil servants of the Company. Their denomination.

IV. The Court of Sudder Adalut shall be transferred from Bombay to the city of Surat, and henceforth consist of four judges, to be appointed by the Governor in Council from among the covenanted civil servants of the Company, and to be denominated, chief, second, third, and fourth judges of the Sudder Adalut.

An oath prescribed to be taken by the several judges.

V. The Chief Judge, and each Puisne Judge, who may be appointed to the Court of Sudder Adalut, previous to entering on the duties of his office, shall take and subscribe the following oath before the Governor in Council, or any person he may commission to administer it.

The oath.

I. A. B. appointed Judge of the Sudder Adalut, solemnly swear, that I will administer justice conformably to the Regulations that have been, or may be passed by the Governor in Council, according to the best of my ability, knowledge and judgment, without fear, favour, promise, or hope of reward; that I will not receive, directly or indirectly, any present or nuzur, either of money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or has been decided in the Court of Sudder Adalut, of which I am appointed a Judge; that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzur, in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or has been decided in the Court; that I will render a true and faithful account of all sums of money that may be paid into the Court or disbursed from it; that I will not be concerned, directly or indirectly, in the purchase of goods or commodities in the British dominions under the Presidency of Bombay, for the purpose of remitting money to Europe, or in any commercial transaction; and that I will not derive, directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do or may authorize me to receive. So help me God.

VI. There shall be a Register and an assistant to the register of the Sudder Adalut; previous to entering on the duties of their office, they shall take and subscribe in open Court, the oath directed to be administered in Section III. Regulation IV. 1800.

Register and assistant to the register to be appointed; oath to be taken by them.

VII. There shall be two Mahummedan law officers, a kazee and moulawee, and two pundits, appointed to the Sudder Adalut, under the provisions of Section II. Regulation V. 1800: previous to entering on the duties of their offices, they shall make and subscribe in open Court, a solemn declaration in the manner prescribed by Section II. Regulation V. 1803, with reference to Section V. Regulation V. 1800.

Law officers to be appointed; oath to be taken by them.

VIII. There shall be one surishtudar and a deputy for each of the languages used in the zillahs subordinate to the Sudder Adalut, viz. Persian, Goozerattee and Marhatta: they shall each make a solemn declaration, as prescribed by Section II. Regulation V. 1819, previous to entering on their duties, and in like manner, every officer of the Court on his appointment.

Surishtudar and deputies to be appointed; oath to be taken by them as well as every other officer.

IX. The jurisdiction of the Sudder Adalut, shall extend over the zillahs of Surat, Broach, Eastern Zillah north of the Myhee, Ahmudabad, North Konkan and South Konkan, and over the district of Anjar.

Jurisdiction of the Court.

X. The Court of Sudder Adalut shall be an open Court, and be holden in a large and convenient room, three days in every week, or oftener if business shall require it, and no rule, order, proceeding or decree is to be made, but on Court days, and in open Court.

Court to be held in a large room three days in each week, or oftener if necessary, decrees, orders, &c. to be made on court days, and in open Court.

XI. The Court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect, in the Persian, Goozerattee and Mahratta languages, "the seal of the Sudder Adalut."

Seal of the Court.

XII. The Sudder Adalut is prohibited from corresponding by letter with parties in suits, or process, or matters depending before it, or coming within its cognizance. If a party in a suit, or any person amenable to the jurisdiction of the Court, shall have any matter to represent to the Court, he shall either appear in the Court in person, and represent the matter in writing; or shall make the representation in writing through an authorized wukeel; the Court shall pass such order upon the representation, as shall appear to it proper, consistently with the Regulations: and shall cause a copy of the order, under the seal of the Court, and attested by the register, to be delivered to the person making the representation, or to his wukeel.

The Court is not to correspond with parties in suits, or any persons, respecting matters before the Court, or cognizable by it.

XIII. *First.*—The Sudder Adalut is empowered to receive any original suit or complaint which may be cognizable in any Zillah Court, and to command the Judge of such Court by a precept, under the seal of the Court, and attested by the register, to receive the suit or complaint, and to proceed to hear and determine it; provided proof shall be previously made to its satisfaction, that the Judge refused or omitted to proceed in it; if the plaintiff shall refuse or neglect to proceed in the suit or complaint for the period of six weeks after the order of the Sudder Adalut may be received by the Zillah Court, and notified to the complaint, the Judge is authorized to dismiss it, notwithstanding the order of the Sudder Adalut. In such cases, the Judge, within one week after the dismissal of the suit or complaint, is to certify to the Sudder Adalut, under his hand and the seal of the Court, that the suit or complaint has been dismissed, and the grounds of dismissal.

Cases in which the Court is empowered to refer original suits to Zilla Courts to be tried and determined.

Suits or complaint to be dismissed, if the party preferring it shall refuse to proceed in it for six weeks.

Judge to notify the dismissal of the suit to the Sudder Adalut.

Second.—The Sudder Adalut is vested with authority to receive any petitions respecting suits or matters that may be depending, or have been decided, in any Zillah Court; and provided it shall be proved to its satisfaction that the petition was presented to the Judge of such Court, and that he refused or omitted to receive it, and proceed on it; the Sudder Adalut is empowered to issue a precept, under the seal of the Court, and attested by the register, commanding the Judge of the Zillah Court to receive the petition, and to proceed respecting it, according to the Regulations.

Cases in which the Sudder Adalut may receive petitions respecting suits or matters depending, or which may have been decided in any Zilla Court.

Court how to proceed with such petition.

XIV. In all proceedings of the Sudder Adalut, the Court shall proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations and exceptions, as are prescribed to the Zillah Courts, except as to hearing of witnesses and receiving evidence.

The Court is to be guided by the rules prescribed to Zilla Courts.

Exceptions.

XV. *First.*

From what decrees of the Zilla Courts, a regular appeal is to be to the Sudder Adalut.

XV. First.—If any person shall deem himself aggrieved by the decree of a Zillah Judge, in a civil suit, tried and determined by him in the first instance, or by the decree of a register in a suit exceeding 500 rupees in value or amount, such person shall be at liberty to prefer a regular appeal from the decision, to the Sudder Adalut, by petition of appeal.

Petition of appeal how to be presented.

Second.—In cases in which an appeal shall be intended to be preferred, the petition of appeal shall be presented, in the first instance, to the Court in which the decree appealed against may have been passed, with an authenticated copy of the decree. The petition must be written on stamped paper according to the rates contained in Section XXV. Regulation XIV. 1815, and must be accompanied by the prescribed security for the eventual costs in appeal; the Zilla Court, after referring to the decree in the original record of the suit, shall admit the appeal, provided the petition and the security required, shall have been duly presented in the mode above described, within the period limited for the admission of appeals.

To be written on stamped paper; and be accompanied with security for costs.

How to be admitted.

What the petition is to contain.

Third.—The petition of appeal shall state (respect being had to the matter decreed) the annual produce of the land, whether lakhiraj or malgoozaree, the sum of money or the value of property which shall have been decreed, the name of the person in whose favour the decree shall have been given; the Court in which it shall have been passed; when it was made, what was decreed by it; and whether the decree has been executed. The petition need not contain the specific objections to the judgment, and detailed grounds and reasons for preferring the appeal, but shall state shortly, that the party being dissatisfied, is desirous of appealing; and it is declared optional with the party, to insert the same in the original petition of appeal, or state them subsequently in the Sudder Adalut in a separate pleading on the stamped paper prescribed in Section XXXIII. Regulation XIV. 1815.

It is optional to insert or not the specific objections to the judgments of the lower Court.

Should it not do so, the same may be inserted in a separate pleading, in the Sudder Adalut.

Period limited for preferring appeals.

Fourth.—The petition shall be presented within three calendar months after the day on which the decree shall have been passed, excluding from the calculation of such period the interval which may have elapsed in each instance between the date on which the requisite stamped paper may have been furnished by the party to the Court, and that on which the copy of the decree may have been tendered or delivered to the party in open Court, in the mode prescribed by the Regulations. The Court will in all cases be enabled to ascertain such interval by the endorsement on the copy of the decree, required to be made under Clause Sixth of this Section. But it shall nevertheless be permitted to such person to prefer his petition of appeal after the expiration of three months; and the Court is authorized to admit the appeal, provided the petitioner can show just and reasonable cause to its satisfaction, for not having preferred it within the limited period. But whenever the Court shall admit an appeal which may be preferred to it after the limited time, it shall enter upon its proceedings its reasons at large for doing so.

Cases in which appeals may be admitted after the limited time.

Reasons for so doing to be recorded.

Parties requiring copy of a decree to furnish the requisite stamped paper.

Fifth.—For the purpose of obtaining an authenticated copy of the decree in such case, the party desiring it shall furnish to the Court by whom the decision may have been passed, one, two or more sheets or rolls of the stamped paper prescribed in Section XXXV. Regulation XIV. of 1815, as may be necessary for transcribing the decree.

Court how to proceed when such stamps may be furnished.

Sixth.—When such stamped paper shall be furnished, the sherishtadar, or such other principal officer as may be authorized by the Court to discharge that duty, shall endorse on it the date of its being furnished, the name of the party on whose account it may be presented, and the number of the suit to which it may be intended to be applicable, and shall grant to the party a corresponding receipt for the same, on unstamped paper; the copy of the decree shall then be prepared and duly authenticated, and shall be delivered or tendered to the party by whom the stamped paper may have been furnished, or to his wakeel in open Court, and the date of the delivery or tender of such copy shall be also endorsed on the copy.

Provisions of the two preceding clauses are applicable to copies of decrees or orders from which a party may desire to prefer a special or summary appeal.

Seventh.—The principles of the rules contained in the two foregoing clauses of this Section are to be considered applicable to all copies of decrees from which a party may be desirous of preferring a special or a summary appeal, and to all copies of orders passed by the Judges and register of the Zilla Court, and by the Sudder Adalut, which those Courts may be required to furnish to parties under the provisions of any Regulation.

Eighth.

Eighth.—In all authorized cases of appeal, the party desirous of appealing shall, with his petition of appeal, deliver good and sufficient security for the payment of the costs which shall be awarded on the appeal; without such security, or without proof of inability to find the same, as required with respect to paupers by Regulation I. 1816, no appeal shall be admitted. It is hereby declared, that the presenting a petition of appeal, without the security required by this clause, before the expiration of the time limited for appealing, shall not be considered to preserve to the appellant his right of appeal, as far as respects the limitation in question.

Parties desirous of appealing to deliver security for costs that may be awarded on the appeal.

Presenting a petition of appeal without the required security, before the expiration of the time limited for appealing the right of appeal.

declared not to preserve

Ninth.—When the security above required shall have been entered into, the Zilla Judge is immediately to endorse on the petition, in his own hand-writing, the day of the month and year in which it was presented, and shall sign it with his name, and cause to be written in the margin of the record, immediately opposite to the decree of the Court, the word “appealed,” and shall transmit the petition to the Sudder Adalat. The Court shall at the same time direct notice in writing to be given to the appellant, that within fifteen days, the proceedings held in the cause appealed will be certified to the Sudder Adalat; and that if he shall not proceed in the appeal within six weeks after the petition of appeal shall have been filed in the Sudder Adalat, his appeal will be dismissed, unless he shall show reasonable cause, to the satisfaction of the Court, for not having proceeded in it.

When appellant shall have entered into the security, the Zilla Judge is to make the indorsement hereafter required;

and transmit it to the Sudder Adalat, and notify to appellant that if he shall not proceed in the appeal in six weeks from the date of filing the petition it will be dismissed.

Tenth.—In all authorized cases of appeal from the decrees of a Zilla Court to the Sudder Adalat, the Court in which the decree appealed from may have been passed shall suspend the execution of it during the appeal, provided the party against whom the decree may have been passed shall, at the time of preferring his appeal, or within such reasonable period afterwards as may be fixed for the purpose, deliver good and sufficient security in a sum equal to one year's amount of the annual produce of the land or house, or other real property which shall have been decided; and in all other cases, good and sufficient security in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree which may be passed upon the appeal.

Execution of decrees appealed from, to be suspended during the appeal.

Eleventh.—In all instances wherein the plaintiff in a Zilla Court may obtain a judgment in his favour, for land or other real property, and the defendant appealing therefrom to the Sudder Adalat may be left in possession of the property, under the security prescribed by the Regulations, any private transfer of such property by sale, gift or otherwise, or any mortgage thereof, which might be made by such appellant during the appeal to the Sudder Adalat, or the King in Council, in the event of the judgment against him being confirmed on the appeal, is hereby declared to be null and void.

Any private transfer or mortgage of land or other real property during appeals declared null and void, in the event of the judgment against such property being confirmed on the appeal.

Twelfth.—Where the party desiring to appeal shall neglect or refuse to enter into the securities, in the manner prescribed in this Section, the Court by whom the decision may have been passed, is to order the decree to be executed.

When the appellant does not comply with the rules of appeal, decree to be executed.

Thirteenth.—As cases may occur, wherein neither the appellant or the respondent may be able to give the prescribed securities for staying the execution of the decree, or for the execution thereof in favour of the plaintiff, it is hereby enacted, that in all such cases the property adjudged shall be held in attachment during the appeal, or until such time as one of the parties may be able to give the required securities, by the collector of the district wherein the land may be situated, at the expense of the party who may be ultimately declared entitled thereto, under the provisions in that respect established. No attachment, however, is to be made by any collector in the cases herein supposed, until he shall receive a precept, requiring him to make the same, from the Zilla Court wherein the original judgment in the cause may have been passed, which precept shall state specifically the property to be included in the attachment, and shall require the collector to continue the same till ordered to be withdrawn by a further precept from the Court, to be issued either on the prescribed securities being given by one of the parties, or on the cause being finally determined.

Provision for cases wherein neither the appellant or respondent may be able to give the prescribed securities;

the Collector to hold the adjudged property in attachment in such cases.

Fourteenth.—Notwithstanding the appellants in causes depending before the Sudder Adalat, may have entered into the securities required of them in this Section, the Court is further authorized in cases wherein, from delay in the decision, the securities originally so given may afterwards appear insufficient (in respect to the period of time the cause has been pending or is likely to remain still undecided), on the application of the respondent or respondents, in all such cases, to require any additional

Sudder Adalat may, in particular cases, require further security during appeals, if, on application of the parties, the security taken appear insufficient.

In default of such further security being given by appellants the judgment to be executed.

Provided the prescribed security be given by the respondent.

Record including original papers in the cause appealed, to be transmitted to the Register to the Sudder Adalat in fifteen days after the receipt of the appeal.

Copies of all original papers transmitted, attested by the Serishtadar, to be deposited amongst the records of the Court.

Copies to be deemed records, and to be received in evidence.

Copies of original papers to be sent to the Sudder Adalat, when originals are not forthcoming.

Recorded copies of original papers not forthcoming to be deemed originals, and copies of them to be forwarded and certified.

Previous notice to be given by the Court of the day on which a suit is to be brought to a hearing.

A notification of the day duly affixed in Court shall be sufficient notice.

The Court empowered to fine parties unprepared to file exhibits, or name witnesses on the day notified for the hearing of the suits.

Further penalty on repetition of similar neglect.

security which the Court may deem necessary to secure the party who may have obtained a judgment in his favour from any loss by the non-execution of such judgment during the appeal; and, in default of such further security being given within a reasonable period to be fixed for that purpose, the Court is empowered to direct the judgment in question to be carried into execution, in like manner as if no securities had originally been given by the appellant; provided that, in such cases, good and sufficient security, as prescribed by the Regulations, be given by the respondent, previous to his being put in possession of the property in litigation. The supplemental security required in this clause, as necessary to maintain a depending appeal, is carefully to be distinguished from the security originally necessary to warrant the cause being appealed; the supplemental security being only demandable by the Sudder Adalat after a lapse of time.

XVI. The Judge of the Zilla Court, within fifteen days after the receipt of the appeal, is to certify under his hand and the seal of the Court, to the register of the Sudder Adalat, the record duly made up and authenticated, including the original complaint, answer, replication, and rejoinder of the parties, the original depositions, exhibits, and every original paper read in the cause. Previous to transmitting the above-mentioned papers to the Sudder Adalat, he is to cause true and faithful copies of all the originals, authenticated by the Serishtadar, or head native officer of the Court, to be made out and deposited in the Zilla Court, in lieu of the originals. The copies are to be deemed records of the Court, and are to be received in evidence in any other Zilla Court. In cases where any original deposition, or other original proceedings or matter whatsoever, shall have been previously entered in the Zilla Court, in a book which may likewise contain proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted without the other proceedings or matters; the Judge of the Zilla Court, within the time and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted is so entered in such book. But he is nevertheless to transmit the original complaint, the original answer, or other separate pleadings of the parties, and the original exhibits which shall have been delivered in, or produced by the parties, and read in the course of the cause before the Court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy is to be deemed the original, and the Judge is to transmit a copy of it, and in like manner, to certify that the original, after due search, cannot be found.

XVII. *First.*—In order that the parties in a suit, or their authorized pleaders, may be fully prepared to file their exhibits, and to name their witnesses, as well as to furnish any explanations of the case which may be required at the time when the suit may first be brought to a hearing, the Court is enjoined carefully to attend to those provisions in the Regulations which require that eight days previous notice shall be given to the parties, of the day on which the Court may propose to bring the suit to a hearing.

Second.—For this purpose, it shall be sufficient for the Court to affix, in some conspicuous place in the Court-room, a notification specifying the number of the suit, the names of the parties and of the wakeels respectively entertained in the suits, together with the date on which it may be intended that such suit shall be brought to a hearing before the Court; and such notice shall be held and considered to be in force until the suit can be brought to a hearing, either on the day fixed or any subsequent day.

Third.—If either of the parties in a suit which may be brought to a hearing, after due notice shall have been given in the manner above prescribed, shall not be prepared to file his exhibits, or the names of his witnesses, or to furnish any explanations of the case which may be required by the Court, and shall not assign sufficient and satisfactory reason for the delay, the Court is authorized to impose upon such party such fine as may appear just and proper; provided that the fine shall in no instance exceed one-fourth of the amount of the stamp duty paid on the institution of the suit. If a similar neglect shall occur a second time, after due notice shall have been given of the day fixed for the case being again brought forward, the Courts are authorized either to impose a second fine, under the limitation above prescribed, or to proceed as in other cases of default.

XVIII. First.—In the trial of appeals the prescribed pleadings shall be completed and read in open Court before any exhibits are filed, or witnesses summoned in support of the allegations of either of the parties; unless special and sufficient reason be assigned for taking the immediate deposition of witnesses, without waiting until the pleadings are completed and read in open Court.

Pleadings to be read before exhibits are filed or witnesses summoned.
Exception.

Second.—If from the pleadings in the case, the points at issue cannot be clearly ascertained, or if from any other reason further explanations may be requisite, the Court shall, on the day on which the suit may be first brought to a hearing, make such enquiries from the parties, or their pleaders, as may appear necessary, with a view to ascertain the precise object of the action, and the grounds on which it is maintained, and shall record the result on their proceedings.

Court is to require any necessary explanations of the case from parties or their pleaders.

Third.—The Court shall then consider and record the point or points to be established respectively by the appellant and by the respondent, and shall proceed to take the evidence which may be adduced by either party upon such points, in the manner prescribed by the rules in force.

The Court is to record the points necessary to be established by the parties.

Fourth.—In like manner, if proof shall be required on any other points in the course of the trial, such points shall be recorded on the proceedings, and the proper party shall be called upon for requisite evidence, and no exhibit shall be filed or witness summoned, unless expressly declared to be in proof, or refutation of some points upon which the Court may have directed that evidence shall be taken.

And any additional points which may subsequently appear necessary.

No evidence to be admitted except with regard to the points so recorded.

Fifth.—The Sudder Adalut is empowered in cases of appeal, in which it shall appear to them that the original suit has not been sufficiently investigated in the Zilla Court, or for any other cause which may be deemed reasonable, to receive such further evidence as the Court shall think necessary for the just determination of the suit, and give judgment upon it, or to refer the suit back to the Zilla Court, accompanied by such special directions to the Judge, with regard to the new evidence he is to receive respecting the suit, as may be deemed by the Court most conducive to justice and the convenience of the parties and witnesses. But in every case in which the Sudder Adalut shall exercise the power above vested in it, the Court shall enter upon the record of the trial their reasons for having exercised it. In cases in which the Court shall judge it proper to receive such further evidence themselves, the Court is empowered according as it shall deem most conducive to justice (respect being had to the nature of the cause and the evidence), either to examine the witnesses to be produced, *viva voce* in open Court, first causing the witnesses to be sworn and their depositions to be reduced to writing, and signed by the deponents respectively, or to authorize the register of the Court to swear the witnesses and take their depositions, and to cause the deponent to sign them, and to authenticate them with his signature. The register in such case shall examine the witnesses in the presence of both parties or their wakeels, who are to be at liberty to put any questions to the witnesses that they may think proper; and the questions, with the answers to them, are in the same manner to be reduced into writing, signed and authenticated. But if due notice be given to the parties, or their wakeels, of the examination of any witness or witnesses before the register, and he or they shall not attend at the time of the examination, the register shall proceed in the examination as before directed, and the depositions shall be received as good and authentic evidence.

Cases in which the Sudder Adalut is empowered to take new evidence, or refer suits back to the Zilla Court.

The Court to record its reasons whenever the above powers are exercised. The Court is empowered to take evidence, or to order the register so to do.

Sixth.—It is hereby provided, that whenever a witness whose evidence may be required by the Sudder Adalut, may reside at such a distance as to render his attendance before the Court inconvenient, or whenever from any cause it may be deemed improper to summon a witness to the Court, the Sudder Adalut shall prepare and transmit to the Judge of the zillah in which the witness may reside, distinct written interrogatories to be put to each witness, such interrogatories shall be prepared and signed by the parties, or their wakeels, under the direction of the Court, and shall be countersigned by the register. The Zillah Judge, to whom such interrogatories may be sent, shall proceed with the same in open Court, in presence of the parties, or their authorized pleaders, and shall in the first instance cause the depositions of the witnesses to be taken in answer to the interrogatories, and shall then allow the parties or their pleaders, to put any other questions which may appear relevant to the points at issue in the case.

Evidences of witnesses which may be required in certain cases by the Court, to be taken by Zilla Judges on written interrogatories.

Seventh.—In cases in which the Sudder Adalut may from special reasons judge it advisable, they are likewise empowered to cause the evidence of any witness to be taken

The Court may empower a Judge of the Sudder Foujdaree

Adalut proceeding on circuit to take evidence in certain cases.

Court may dispense with the oaths of witnesses in certain cases.

And also direct their evidence to be taken by Commission.

Sudder Adalut how to proceed when witnesses do not attend, refuse to be sworn, or give their depositions, are guilty of contempt of Court, or perjury.

All process of the Court (with certain exceptions) to be issued to the Zilla Judges.

Judges of Zilla Courts liable to be suspended by the Sudder Adalut for refusing or omitting to obey, or to conform to its process or requisition. Sudder Adalut to report to the Governor in Council the suspension of Judges under this section, within ten days.

The Court may issue process to parties or witnesses through any other channel than the Zilla Courts.

Process of the Sudder Adalut, how to be served by the lower Court.

To return the process executed, or reasons why it has not been executed.

Form and manner in which the return is to be made.

Zilla Judge to cause a copy of the process and return to be deposited amongst the records of the Court.

taken in the prescribed form before the Judge of the Sudder Foujdaree Adalut, who shall next proceed upon the circuit, to the zillah in which the witness may reside.

XIX. First.—The Sudder Adalut may dispense with the oaths of the descriptions of witnesses which the Zilla Courts are authorized to exempt from taking oaths, on their signing in open Court, the declarations which are required to be subscribed by such witnesses in the Zilla Courts. Where witnesses shall be women of the description specified in Section VI. Regulation II. 1800, or shall reside out of the jurisdiction of the Court, the Court shall grant such commissions as the Zilla Courts are authorized to grant for the examination of such witnesses upon similar occasions. And the Sudder Adalut may issue such commissions to creditable women, and send such letters to the Zilla Courts for the examination of witnesses, in the cases in which the Judges of the Zilla Courts are authorized to send such commissions and letters.

Second.—If a witness duly summoned shall not attend, or attending shall refuse to be sworn or give evidence, or to subscribe his deposition, or if such witness, or any person, shall be guilty of wilful or corrupt perjury in a cause depending in the Court, or any contempt of Court in open Court, the Sudder Adalut shall proceed with such witness or person in the same manner as the Zilla Courts are authorized to deal with witnesses or persons in like manner offending.

XX. First.—All process, both to parties and witnesses, and every rule or order for the execution of a decree or final order, and every other order whatever, which may issue from the Sudder Adalut, shall be written or printed in such of the languages of the country as the Court may direct, and shall be sealed with the seal of the Court, and signed by the register. All such process, rules and orders, which are to be served or executed on any parties, witnesses or persons (exclusive of the parties wakeels, or persons in actual attendance on the Court), are to be directed to the Judge of the Zilla in which the cause of action shall originally have arisen, or in whose jurisdiction the parties may be or reside. Every such process, rule and order, shall limit a certain time in which it is to be served, executed and returned to the Sudder Adalut. If the Judge of a Zilla Court, to whom any process, rule or order whatever may be directed, shall wilfully disobey, or neglect to perform the commands contained in it, or make a false return, the Judge so offending shall be liable to be suspended from his office by the Sudder Adalut. If the Sudder Adalut shall suspend any Judge under this Section, they are to notify the suspension to the Governor in Council, within ten days after it shall take place, together with the cause of it, and shall certify under the seal of the Court, the proceedings, depositions and exhibits, and all other matters which may be necessary to enable the Governor in Council to pass a determination upon the suspension, and to transmit to him on his requisition, any further papers and proceedings respecting the cause, which he may deem necessary for his information. But the Sudder Adalut is empowered, in cases in which for the sake of expedition or other purpose it shall judge it expedient so to do, to issue any process to parties or witnesses immediately, through any other channel, instead of directing it in the first instance to the Zilla Court.

Second.—In all cases in which process, either to a party or witness, and all process whatever, and every rule or order for the execution of any decree or final order, or any order relating to a cause depending in the Sudder Adalut, which may be directed to the Judge of a Zilla Court, the Judge to whom the process shall be directed shall execute the order contained in the process, rule or order, and return it so executed within the time limited, or return to the Sudder Adalut good and sufficient reason why it has not been served or executed. When any process, rule, decree or order for the execution of any decree or final order, or any order whatever, shall be transmitted by the Sudder Adalut to the Judge of a Zilla Court, to be served or executed, the return to such process, rule, order or decree, shall be made by the Judge, either by endorsement on the process, rule, order or decree, or be written on a paper firmly annexed to it; and if the return be made in the last mentioned manner, there shall be an endorsement on the process, rule, order or decree, referring the Sudder Adalut to the return contained in such annexed paper, and the Judge shall cause a copy of the process, rule, order or decree, together with the return to it, to be deposited amongst the records of the Court. And in all cases in which the Sudder Adalut shall transmit any order or process to be served, or executed by the Judge of a Zilla Court against a party in a cause, and the party on

on whom it is to be served or executed shall not, after diligent search, be found, or shall have absconded, or shall have shut himself up in his own or any house or building, or shall retire to any place, so that the process cannot be served upon him, the Judge to whom the process shall have been directed shall cause to be fixed up in some conspicuous part of the room in which the Court shall be held, a writing in the language of the district, containing a copy of the order or process, and a notice that if the party shall not obey the exigence of it within the time limited, the Sudder Adalut will without further notice, process or order, proceed, *ex parte*, to hear, try and determine the cause to which such process or order may relate; and the Judge is likewise to cause a copy of such writing to be fixed up with all practicable dispatch, on the outer door of the house in which the party shall have commonly dwelt, or in some conspicuous place in the town or village in which he may have usually resided, and to return to the Sudder Adalut in the manner before directed, how he has executed the process.

Courts, how to proceed when process cannot be served upon the party, in consequence of his absconding or avoiding it.

Zilla Judge to fix up a writing in the Court room and at the place of residence of the party.

What the writing is to contain.

Third.—If the Judge of the Zilla Court shall return that the party has absconded, or shut himself up in his own or any house or building, or retired to any place so that the process could not be served upon him, or that he was not, after diligent search, to be found, and that he had caused the writing to be fixed up in the places and manner directed, and the party shall not appear and obey the exigence of the process, rule or order, the Sudder Adalut shall proceed, *ex parte*, to try and determine the cause in which the process, rule or order shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

Sudder Adalut to proceed *ex parte* when a lower Court shall report that a party has absconded, or was not to be found, after the observance of the forms herein directed.

XXI. If the appellant in an appeal filed in the Sudder Adalut shall not proceed in the appeal for six weeks, the appeal shall be dismissed, unless the appellant shall show reasonable cause to the satisfaction of the Court for not proceeding in it; and the Court, if it shall be deemed equitable so to do, shall award to the respondent costs of suit. But in all such cases, the Court shall enter at large upon its proceedings, the grounds upon which it may permit or refuse to allow the appellant to proceed.

Court to dismiss appeals if appellants omit to proceed in them within six weeks, without shewing cause for omission. Reasons for the dismissal of the appeal to be recorded.

XXII. In appeals that shall be heard by the Court, no proceedings shall be held, nor any acts whatever done, either on behalf of appellant or respondent, excepting by the appellant or respondent respectively, or by a wakeel admitted to plead in the Court under the established Regulations, nor by any wakeel before his wukalutnamah shall have been filed in the Court, and security given for his fees; and no persons, excepting such parties, or their witnesses, or such wakeels, shall be heard, *viva voce*, in any stage in the cause.

No person to be heard in a cause except principals, wakeels duly empowered, or witnesses.

XXIII. If a petition of appeal shall be preferred against the decision of any Zilla Court, founded on an award of arbitration, it shall be dismissed with costs; unless it be fully proved to the satisfaction of the Court, by the oaths of two credible witnesses, that the arbitrators have been guilty of gross corruption or partiality in the cause in which they shall have made the award.

Petitions of appeal from decisions founded on award of arbitration, to be dismissed with costs.

XXIV. *First.*—The petition of appeal, pleadings, depositions, and exhibits in the Sudder Adalut, shall be numbered, marked, dated and signed by the register, in the same manner as the complaint, pleadings, depositions, and exhibits are ordered to be numbered, marked, dated and signed by the register in the Zilla Courts. The decrees shall be signed by the Judges present in Court when the decrees shall be passed, and attested by the register; copies so signed and attested, shall, on application, be delivered to the parties.

Proceedings of the Sudder Adalut, how to be numbered, marked, dated and signed.

Decrees to be signed by the Judges, and attested by the register, and copies to be delivered to the parties.

Second.—The proceedings, summonses, and other process issued by the Sudder Adalut, shall be written or printed in the current language of the zilla from which the suit may be appealed.

Proceedings, summonses and process of the Court to be written or printed in the language of the zilla from which the cause was appealed.

Third.—All orders and decrees passed by the Sudder Adalut shall be written in English, and shall have annexed or subjoined a translation in the current language of the zilla from whence the appeal may be received.

All orders and decrees to be written in English, with translations into the language of the zilla from whence the appeal is received.

XXV.—The Sudder Adalut is empowered to confirm or reverse, in whole or in part, all decrees from which the Court shall or may be authorized to receive appeals; and to make such further order on all such decrees, as justice, equity and good conscience may require, and award such costs to either party as it shall deem reasonable.

What decisions the Court may pass in appeals.

Interest allowed on the amount of decrees confirmed on appeal, and litigious appeals punishable by fine.

Sudder Adalat, how to proceed against persons who shall resist its process.

Offender to be summoned to answer for his misconduct.

Court, how to proceed if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear; or shall appear, and be proved guilty of the charge.

How the Court is to enforce payment of the fine.

Single Judges empowered to hold sittings of the Court. Rules to be observed in passing orders and decrees.

Rules to be observed on differences of opinion between two Judges.

Provision in case of a difference of opinion when four Judges are present, and the number of votes equal.

Judges to regulate their own sittings, and chief or senior Judge to call extra meetings through the register.

Special appeals from all decisions of Zilla Judges shall lie to the Sudder Adalat, under certain restrictions.

XXVI. If the Sudder Adalat shall confirm the decree of the Zilla Court, it shall adjudge interest, at the rate of one per cent. per mensem, on all sums receivable by the respondent under the decree, and the Sudder Adalat is authorized to punish appeals which may appear to it to be litigious, by a fine to Government, proportionate to the condition of the party and the circumstances of the case.

XXVII. If any person shall resist or cause to be resisted, any process, rule, order or decree, which may at any time issue from the Sudder Adalat, the Court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that he cannot be served with the summons, the Court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the Court. If the offender shall not appear within the prescribed time, or if he shall appear and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the Court that he is guilty of the charge, the Court is to adjudge the offender to pay such fine to Government as they may think proper, in the same manner as already provided in respect to the inferior Courts, in Section XXI. Regulation II. 1800. The Court is to proceed to levy the amount by the same process by which they are empowered to carry their decrees for sums of money into execution.

XXVIII. *First.*—To facilitate the dispatch of business, a single Judge shall hold separate sittings of the Sudder Adalat, for the hearing of all causes in the first instance, with the same powers as if held before two or more Judges, and he shall be competent to pass orders and judgments in conformity with the Regulations, provided such order or judgment may be to affirm the decision or order of the lower Court. But whenever a single Judge trying a cause or other matter, shall be of opinion that the decision or order appealed from ought to be reversed or altered, as well as in every case of doubt or difficulty, he shall only record his sentiments on the case, and refer it for the decision of a Court composed of two or more Judges; and their decision, guided by the rules hereafter mentioned, shall be carried into effect, and the decree or order shall be signed by the Judges present at the final sitting; the signature of the Judge who first sat shall not be considered requisite.

Second.—Whenever two Judges shall sit, and a difference of opinion arise between them, the decision shall be passed according to the opinion of the Judge who may concur with the Judge who first sat under the provisions of the foregoing clause; but in cases where two Judges may differ in a matter not previously before the Court, the determination shall be suspended until the opinion of a third Judge can be taken, when the decision shall be passed according to the majority of voices.

Third.—If in any instance a difference of opinion should take place on a question before four Judges, and the number of votes be equal, the Chief Judge concurring with any one of the other Judges shall possess a casting vote, and the Resolution shall be passed accordingly.

Fourth.—The Judges shall regulate their own sittings in the manner most convenient; and whenever it may be requisite to call an extra meeting, it shall be summoned by the register, on receiving orders for that purpose from the chief Judge or senior Judge on the spot, to whom it shall be left to determine when and how often such extra meetings shall be summoned.

XXIX. *First.*—A special appeal shall lie to the Sudder Adalat under the rules prescribed by the following clauses, from the decisions of Zilla Courts, in all suits or matters whatsoever which shall be tried by the Judges of those Courts, in appeal from their registers, assistant registers, and sudder umeens or moonsifs, provided that upon the face of the decree, or of documents exhibited with it (assuming all the facts of the case as stated in the decree), the judgment shall appear to be inconsistent with some established judicial precedent, or with some Regulation in force; or be in opposition to, or inconsistent with another decree of the same Court, or of another Court having jurisdiction in the same suit, or in a suit founded on a similar cause of action; or if it appear to be inconsistent with the Hindoo or Mahomedan law, in cases which are required to be decided by those laws, or with

with any other law or usage which may be applicable to the case; or unless the judgment shall involve some point of general interest or importance, not before decided by the superior Court; or that there may appear strong probable ground, from whatever cause, of a failure of justice.

Second.—When a party upon any of the grounds specified in the preceding Clause, may be dissatisfied with a judgment passed on a regular appeal by a competent Civil Court, and may in consequence be desirous of a second or special appeal, he shall, within the limited period prescribed for the admission of regular appeals, present a petition to the Sudder Adalat.

Party to present a petition to the Sudder Adalat.

Third.—Such petition shall be written upon the stamped paper prescribed in Section XXV. Regulation XIV. of 1815, with reference to the value or amount of the suit; the petition shall state distinctly the specific ground or grounds under Clause First of this Section, on which the special appeal is solicited, and shall be presented either by the party in person, or by an authorized pleader of the Court. In the latter case, the petition shall be signed by the pleader, who shall certify on the back of the petition, that he has duly considered the grounds stated for admitting a special appeal, under Clause First of this Section, and believes them to be well founded and sufficient.

Petition to be written on stamped paper.

What it is to contain.

Fourth.—If on a consideration of the circumstances of the case, the Court shall see reason for admitting a special appeal, on any of the grounds stated in the First Clause of this Section, the appellant shall be required to furnish the like security as is prescribed in cases of regular appeals, and when the required security shall have been duly furnished, the Court will admit the special appeal, and proceed to investigate the suit, under the same rules as are prescribed for the trial and determination of regular appeals.

Mode of proceeding when a special appeal may be admitted.

Fifth.—If the Court shall not see sufficient reason for admitting the special appeal, and shall in consequence reject the petition, the appellant shall not be entitled to receive back the amount or value of the stamp on which the petition may have been written, under Clause Third; the Court is however vested with a discretionary authority in any particular instance of hardship, to refund any portion, not exceeding three-fourths of the amount of such stamp duty, to the party who may have paid the same, or to his legal representative.

Court authorized to refund a portion of the stamped duties in certain cases, when the petition for a special appeal may be rejected.

Sixth.—It is hereby declared, that the order of the Sudder Adalat refusing to admit a special or second appeal, under the powers vested in it by this Regulation, as well as the judgments which it may respectively pass on special appeals, shall in all cases be final.

All orders passed by the Court regarding special appeals to be final.

Seventh.—When an application for a special appeal presented through an authorized pleader to the Sudder Adalat, may be rejected by the Court, such pleader shall be entitled to receive from the party employing him, any remuneration for his trouble which the Court may think proper to adjudge, provided that such remuneration shall in no case exceed one-fourth of the amount of the fee to which the pleader would have been entitled had the special appeal been admitted and determined by the Court.

Pleaders entitled to receive fees on the rejection of special appeals. Proviso.

Eighth.—It is also declared to be competent for a Zilla Judge, in any case in which no further regular appeal is open, and in which the parties may be desirous a special appeal, to certify to the Sudder Adalat (where the circumstances demand it), that such case involves some point of general importance hitherto apparently unsettled, and fit to be reconsidered in a special appeal, in the admission of which, such of the above rules as may be applicable shall be attended to.

Zilla Judges may certify to the Court cases which may appear to be fit objects for a special appeal.

XXX. First.—It shall be competent to the Sudder Adalat to receive a summary appeal from the orders or decrees of the Zilla Court, in all cases in which the latter may have refused to admit an original suit, or appeal regularly cognizable by them, or having admitted such suit or appeal, may have dismissed it without an investigation of the merits, on the grounds of delay, informality or other default.

Cases in which the Sudder Adalat may admit a summary appeal.

Second.—In the preceding cases, the summary appeal shall be preferred within the same limited period as is prescribed for the admission of regular appeals, and subject to the provisions contained in the following clauses.

Limitation of time for the admission of summary appeals.

On what description of stamped paper the petition for a summary appeal is to be written.

Party not liable to pay the institution fee, nor to furnish any deposit or security.
Exception.

Mode of proceeding in summary appeals.

In what cases the lower Court may be directed to receive or review the suit.

In what cases the Courts may reject the summary appeal and fine the appellant.

Provifo.

Provisions for pleader's fees in such cases.

Provifo.

Provisions regarding the mode of applying for permission to review judgments from which no appeal shall have been preferred.

Third.—Whenever a party may be desirous of preferring a summary appeal in the cases above-mentioned, he shall appear either in person, or by a wakeel duly authorized, before the Sudder Adalat, and shall present a petition written on the stamped paper prescribed by Clause Second, Section XXXVIII. Regulation XIV. of 1815, and accompanied by an attested copy of the order or decree passed in the case.

Fourth.—The party presenting such petition shall not be liable to the payment of the stamp duty substituted for the institution fee, by Section XXV. Regulation XIV. of 1815, nor shall he be required to furnish any security, except such as may be eventually necessary under the Regulations in force, for staying the execution of the decree from which the appeal may be preferred.

Fifth.—It shall not be requisite to give any notice to the respondent, or to require his attendance on such summary appeal being preferred, unless in any particular instance the Court may deem it proper to adopt that measure, nor shall any pleadings or proceedings be holden on such summary appeal, excepting such as may suffice to determine whether the suit was not rejected or dismissed by the lower Court on sufficient grounds, and in conformity with the Regulations.

Sixth.—If upon such summary proceedings it shall appear to the Court that the suit was rejected in the first instance, or having been admitted was dismissed without an investigation of the merits, upon insufficient grounds, or in opposition to the Regulations, it shall be competent to the Sudder Adalat, to direct the lower Court, or officer from whose order or decree the petition of appeal may have been presented, to receive the original suit or appeal, or to revive it if it shall have been received and dismissed, and to try and determine such cause on its merits, according to the Regulations.

Seventh.—If on the contrary, such summary appeal shall be found to be groundless and litigious, the Sudder Adalat is authorized and required to reject the petition for a summary appeal, and to impose such fine on the litigious appellant as may appear to be in each instance proportionable to the condition of the party, and to the circumstances of the case; provided that such fine shall in no case exceed the amount of the stamp duty which would have been payable by the appellant on the institution of such case as a regular suit or appeal.

Eighth.—When a pleader may be employed in such summary appeals, the Court is authorized to award to him such fee as may be considered to be sufficient compensation for his labour, provided that it shall in no case exceed one-fourth of the fee to which such wakeel would have been entitled, if the suit had been instituted, either as an original suit or as a regular appeal.

XXXI. *First.*—Any persons considering themselves aggrieved by a decree passed in a regular civil suit or appeal by a Zilla Court, from which decree no further appeal may have been admitted, and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them, are at liberty to present a petition to this purpose, to the Court in which the decree in question may be passed; such petition shall be written on stamped paper of the value prescribed in Clause Second, Section XXXVIII. Regulation XIV. of 1815, and shall be presented within the period of three calendar months from the delivery or tender of the decree. The Courts are nevertheless authorized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause to the satisfaction of the Court, for not having preferred such application within the limited period; in such case, however, the Courts are enjoined to proceed with caution, and to state at large upon the proceedings their reasons for admitting such applications after the limited period. If the Courts shall be of opinion, that there are not any sufficient grounds for a review, they shall reject the petition, and their order to that effect shall be final; but if on the contrary, they shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, they shall report the same to the Sudder Adalat, transmitting at the same time a statement of the grounds of their opinion, with a copy of the petition presented to them and a copy of the decree passed in the case.

Second.

Second.—The Court of Sudder Adalat, in cases referred to them under the preceding Clause, as well as in all cases in which a petition may be presented to them for a revision of their own judgments, which may not have been appealed to the King in Council (or though appealed, the proceedings in which may not have been transmitted), are authorized to grant the review desired, if upon a consideration of the reasons stated, the circumstances of the case shall appear in justice to require it; the Sudder Adalat shall record on their proceedings, the grounds upon which a review may be granted by them in each instance, and shall issue any instructions regarding the admission or rejection of new evidence in the case, which they may deem just and proper.

Provisions empowering the Sudder Adalat to grant a review.

Third.—The order of a Zilla Court, or of the Sudder Adalat, rejecting the petition for a review in the first instance, or of the latter Court refusing to sanction a review when applied for by a lower Court, shall not be construed to preclude the party from instituting a regular appeal (if the case be appealable), subject to the conditions and rules prescribed by the Regulations in force for the admission of such appeals.

The orders rejecting applications for a review not to bar the right of a party to prefer a regular appeal.

XXXII. In cases for which no specific rule shall exist, the Sudder Adalat shall act according to justice, equity and good conscience.

Court, how to act in cases for which no rule may exist.

XXXIII. An appeal shall lie from the decision of the Sudder Adalat, to the King's Most Excellent Majesty, and His Most Honourable Privy Council, in all regular appeals under the provisions of Regulation V. 1818.

Appeal to his Majesty in Council.

XXXIV. In all cases not expressly provided for in Regulation IV. 1819, in which it shall appear to the Sudder Adalat, that the Judge of a Zilla Court has been guilty of negligence or misconduct in the discharge of his duty, or whenever a report shall be made in pursuance of Section X. Regulation IV. 1800, or in any case not expressly provided for by the Regulations, the Court of Sudder Adalat, after such enquiry as shall be judged necessary in proof or explanation of the circumstances stated, shall, if the case appear to require the notice of the Governor in Council, report the same to him, with a copy of all proceedings and papers received on the subject of it, for such orders as may be judged proper. The Court of Sudder Adalat is directed to report to the Governor in Council, all instances of wilful neglect of duty, or aggravated misconduct by a covenanted servant of the Company, employed in any of the Civil Courts, whether in a judicial or ministerial capacity, and whether such neglect or misconduct shall have been reported to the Sudder Adalat by a Zilla Court, or shall otherwise appear from the proceedings and papers before the Court. But if the case should appear to the Court to involve an error of judgment only, or a slight default, for which an admonition from the Court shall be deemed a sufficient correction, the Sudder Adalat, in the former case, is authorized to notice the error, for the information and guidance of the party who may have committed it; or, in the latter case, to advise him of his default, and to admonish him accordingly.

Rules for the guidance of the Sudder Adalat in cases of negligence or misconduct in any of the Judges or officers of the civil Court.

In certain cases Court directed to report to the Governor in Council.

Error of judgment, or slight default, how to be corrected.

XXXV. The Court of Sudder Adalat constituted under Section III. of this Regulation, shall possess all the powers previously vested by the existing Regulations in it, and shall perform all duties required to be performed by it, subject to such alterations and modifications as have been, or may at any time hereafter be made therein by this or any subsequent enactment. And it is hereby further provided, that all such parts of the Regulations in force as may refer to the late provincial Court of Appeal, and may require to be acted on, shall be considered applicable to the Sudder Adalat, in the same manner as if they were originally intended to be enacted for the latter Court.

Former powers of the Sudder Adalat to continue.

Regulations referring to the Court of Appeal to apply to the Sudder Adalat where necessary.

XXXVI. That the Sudder Adalat may be apprized of the nature and number of the causes decided monthly by the registers to the Zilla Courts, their assistants and native commissioners, a list of the causes determined by them in each month shall be subjoined to the monthly abstract register of causes decided by the Judge, required to be transmitted to the Sudder Adalat, by Section XI. Regulation VI. 1802, and the Judges shall likewise distinguish in their monthly abstract registers, such decisions as they may pass in appeal from the decrees of the registers, their assistants and native commissioners, so that the Sudder Adalat may be informed of the number of appeals so preferred, and the decisions upon them; and in the half yearly report of causes undecided, required to be transmitted to the Sudder Adalat

Causes how to be distinguished in the monthly registers.

by Section XII. of that Regulation, the Judges are likewise to distinguish such of the suits as may be depending in appeal before them from the decisions of their registers, their assistants and native commissioners, and also the suits that may be under trial before their registers, their assistants and native commissioners.

Register to submit to the Court a monthly report of the abstract registers of the several Zilla Courts.

XXXVII. By the last day of each month, the register to the Sudder Adalat shall prepare to be submitted to the Court at its next meeting, a general report on the abstract registers, required to be furnished by the Zilla Courts by Section XI. Regulation VI. 1802, for the preceding month. The report is to specify the number of suits appearing in the abstract register of each Court to have been determined by the Judge and by his register or his assistant, or by the native commissioners, or adjusted by the parties.

Report to be submitted by the register on half yearly reports of the Zilla Courts of causes remaining undecided.

XXXVIII. On the 15th February, and 15th of August in each year, or the first Court which may be held after those dates respectively, the register shall submit to the Court a report on the last half yearly reports of causes depending in the Zilla Courts, which they are required to furnish by Section XII. Regulation VI. 1802. The report shall specify the number of causes depending before the Judge, the register, his assistant, and the native commissioners in each Zilla, and the number of causes depending in the preceding half yearly report; so as to exhibit a comparative statement of the number of suits depending at the period of the transmission of the two reports. The register is to annex to his report a summary of the reasons assigned by the several Courts for any causes remaining undecided, which may have been inserted as depending in any of their preceding half yearly reports.

To notice what abstract registers or reports have not been transmitted.

XXXIX. In the event of any of the Zilla Courts omitting to forward their monthly abstract registers, or half yearly reports, in time to enable the registers to submit the reports and statements above required, he is to notice the omission in his report, with the reasons for the deficient reports not having been forwarded, should any have been assigned by the Courts.

Rules for facilitating the preparing of the register's reports.

XL. *First.*—To enable the register to prepare the required reports and statements with greater facility, the following rules are prescribed.

An abstract of the number of causes determined to be inserted by Zilla Judges at the bottom of monthly registers.

Second.—The Judges of the Zillas are directed to insert at the bottom of their monthly abstract registers, an abstract of the number of causes determined, as follows:—

BY THE JUDGE:

In appeal from decisions of the register.

Decreed or dismissed	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	2
						— 4

In appeal from the decisions of the assistant register.

Decreed or dismissed	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	2
						— 4

In appeal from decisions of the native commissioners.

Decreed or dismissed	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	2
						— 4

Tried in the first instance by the Judge.

Decreed or dismissed	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	2
						— 4

By the register.

Decreed or dismissed	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	2
						— 4

By

By the assistant registers.

Decreed or dismissed	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	2
						— 4

By the native commissioners.

Decreed or dismissed	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	2
						— 4

Total - - - 28

Third.—The Judges of the zillas are to insert at the bottom of their half yearly reports of causes remaining undecided, the number of suits depending, as follows:—

Also to insert at the bottom of half yearly reports of causes undecided, the number depending.

Depending before the Judge.

In appeal from decisions of the register	-	-	-	-	2
In appeal from decisions of the assistant register	-	-	-	-	2
In appeal from decisions of the commissioners	-	-	-	-	2
Under trial before the Judge in the first instance	-	-	-	-	2
					— 8

Depending before the register	-	-	-	-	2
Depending before the assistant register	-	-	-	-	2
Depending before the commissioners	-	-	-	-	2
					— 6

Total - - - 14

A. D. 1820. REGULATION VI.

A REGULATION for abolishing the situation of Assistant Judge, and for making certain modifications in the constitution and jurisdiction of Zilla Courts. Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartick Vud Sumbut or Vikramajet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

WHEREAS it has been deemed expedient to abolish the office of Assistant Judge of Zilla Courts, and to make certain modifications in the constitution and jurisdiction of those Courts, from and after the 1st of January 1821.

II. The office of Assistant Judge in the Zilla Courts is hereby abolished, and Regulation V. of 1815, is rescinded.

Office of Assistant Judge abolished and Regulation V, of 1815 rescinded.

III. Section VI. Regulation I. of 1802, whereby the decisions of the registers to the Zilla Courts were made final in suits for money or other personal property not exceeding twenty-five rupees, is hereby rescinded, and an appeal shall hereafter lie to the Zilla Judges from all decisions passed by their registers, provided that the appeal be preferred in all other respects, in conformity to Section II. Regulation IX. of 1802.

Section VI. Regulation I. of 1802, rescinded, and appeals from registers decisions shall in every case lie to the Zilla Judge.

IV. No regular appeal shall lie to the Sudder Adalat from the decree of a Zilla Judge on an appeal from a register; provided however that nothing in this Section shall be construed to prohibit the Sudder Adalat from admitting a second or special appeal from decisions passed by the Zilla Judges, on regular appeals from the original judgments of registers, assistant registers, sudder umeens, or moonsifs, such special appeals being admitted and tried under the rules and restrictions prescribed for the guidance of the Court.

Section VII. Regulation II. of 1802, rescinded, and no regular appeal shall lie from the decree of a Zilla Judge on an appeal from a register. Proviso in respect to special appeal.

V. *First.*—The Judges of Zilla Courts are authorized by the Regulations in force, to refer to their registers for trial and decision in the first instance, original suits, in which the value or amount of the claim may not exceed five hundred rupees.

Common jurisdiction of register.

Second.—On all suits referred to registers which may be decided by them, they shall be entitled to receive one moiety of the amount of stamp duty substituted for the institution fee by Regulation XIV. 1815, instead of the rates prescribed by Section XXIX. of the Regulation just quoted.

What fees shall be paid to register on deciding such suits.

Registers may be invested with further additional powers in the trial of suits.

VI. First.—Exclusively of the ordinary jurisdiction of registers of Zilla Courts, as explained in the preceding Section, the Governor in Council shall be deemed competent to invest the register of any Zilla Court with special additional powers in the trial and decision of regular civil suits, under the following rules.

The Sudder Adalat to report to Government when such further powers may be necessary.

Second.—Whenever the accumulation of civil suits, or the arrears of business depending in any Zilla Court, may render it impracticable for the Judge of such Court to try and determine the suits depending before him with sufficient promptitude and dispatch, and the Sudder Adalat may be of opinion, either in consequence of a report from the Judge, or from any other information before it, that the register of such Zilla Court is duly qualified by his experience, industry and abilities, to be intrusted with the whole or any part of the special powers described in Clauses Fourth and Sixth of this Section, the Sudder Adalat shall communicate its sentiments on the subject to Government, accompanied by a statement of the number of civil suits of every description depending respectively before the Judge and register of such Zilla Court.

Mode of granting such powers to a register.

Third.—On the receipt of the report from the Sudder Adalat, or upon any other information before Government it shall be competent to the Governor in Council to invest such register with the whole or any part of the special powers described in the following clauses of this Section, and information shall be communicated in every instance in which such powers may be vested in a register to the Sudder Adalat and to the Zilla Judge.

Appeals from the Sudder Ameens may be referred to registers, whose decisions on them shall be final. Exception.

Fourth.—The register may be specially empowered to try and determine any depending suits in appeal from the original decisions of assistants to the register, sudder umeens, or native commissioners, which the Zilla Judge may think proper to refer to him; the decision of the register on such appeals shall be final, unless the Zilla Judge shall see sufficient reason for admitting a second or special appeal, which he is hereby empowered to do, in the same manner, and under the rules prescribed for the guidance of the Sudder Adalat in similar cases.

What fees the registers shall receive for deciding such suits.

Fifth.—On suits which may be referred to a register under the foregoing clause, or which may be decided by him, the register shall be entitled to receive the full amount or value of the stamp duty substituted for the institution fee.

Original suits exceeding 500 rupees in amount, may be referred to registers.

Sixth.—The registers may be further specially empowered to try and decide any suits above five hundred rupees, and not exceeding one thousand in value or amount, originally instituted in the Zilla Court, which the Judge of such Court may think proper to refer to him. In the trial of all causes referred to a register under this Section, he is to be guided by the rules which are prescribed for the trial of similar causes before the Judge of the Zilla Court.

What fees the register shall be entitled to receive on deciding suits.

Seventh.—On every suit which may be referred to a register under the preceding clause, and which may be decided by him, the register shall be entitled to a moiety of the stamp duty substituted for the institution fee.

An appeal shall lie to the Sudder Adalat from decisions passed by a register in such cases.

Eighth.—From all decisions passed by a register on suits referred to him under clause Sixth of this Section, an appeal shall lie to the Sudder Adalat, in the same manner and under the same provisions, as if such suits had been tried and determined in the first instance by the Zilla Judge.

Process and communications to a register from the Sudder Adalat how to be issued.

Ninth.—In cases in which an appeal may lie to the Sudder Adalat from the original decision of a register, under Clause Eighth of this Section, as well as in all cases in which the Sudder Adalat may have occasion to issue process regarding causes decided by or depending before a register, such process shall be transmitted to the Judge of the Zilla Court, who shall forward the same to the register, or shall himself comply with the exigency of it, if from absence or any other sufficient cause, the register may be prevented from so doing. In like manner all returns and communications from a register to the Sudder Adalat or to any other Court, authority or office, shall be made through the Judge of the zilla in which such register may be employed.

Registers may be empowered to try appeals from another register, in cases under 500 rupees.

Tenth.—It is hereby further provided, that any person exercising the functions of a register of a Zilla Court, may be invested with powers to try and determine depending appeals from decisions which may have been passed by another register on the class of suits specified in Section III. of this Regulation. The Zilla Judges are hereby authorized to refer to registers so empowered any suits of the description

description above adverted to, and such registers will be entitled to the same fees as they would have received, had the suits in question been tried by them in the first instance. No person however shall be vested with the power in question, who may not have been employed in the judicial department for a period of at least six years, nor shall he be competent to try such appeals, except in cases in which the original decision may have been passed by a register, junior in the service to the individual on whom the special power in question may be conferred.

Provided he has been employed for six years in judicial duties; and is senior in the service to the register on whose cases he may sit.

Eleventh.—The Sudder Adalut is empowered to admit a second or special appeal from the decisions which may be passed by registers under the foregoing Clause of this Section, and such special appeals are to be admitted and tried in the same manner as other special appeals cognizable by the Sudder Adalut.

Sudder Adalut may admit a special appeal from such decisions.

Twelfth.—Upon the death, removal or resignation of any register who may have been invested with special powers under the provisions of this Regulation, the person succeeding to the office of register, shall in no case be entitled to exercise such special powers, without the previous sanction of the Governor in Council, and it shall at all times be competent for the Governor in Council to revoke the special powers which may have been entrusted to the register of a Zilla Court under this Section, either from the arrears of business having been sufficiently reduced or for any other cause, which in the opinion of the Governor in Council may render the adoption of that measure expedient.

Special powers not to be exercised by registers without the previous sanction of Government, and such powers may at any time be revoked by the Governor in Council.

VII. The Judges of the Zilla Courts are at all times authorized to recall from the registers any depending suits which may have been referred to them, and which, for the more speedy administration of justice, or for any other reason, the Zillah Judges may deem it proper to determine themselves in the first instance, or to refer to any other competent authority.

Judges may recall suits referred to registers.

VIII. *First.*—It shall be competent to the Governor in Council to appoint one or more registers in any Zilla Court, in addition to the person holding the office under the established constitution of the Courts. Such additional registers shall be denominated second or third register, and shall possess the same powers, and perform the same duties, as the registers to the Zilla Courts under the Regulations in force, either in their ordinary jurisdiction, or under the special powers with which they may be vested, in conformity with Section VII. of this Regulation.

Additional registers may be appointed to any Zilla Court.

Second.—Additional registers shall also be additional senior assistants to the Criminal Judges of the Zilla Courts under Section XLIII. Regulation III. 1818.

Additional registers to be also additional senior assistants to the Criminal Judges.

IX. *First.*—The Judge of the zilla of Surat, within whose jurisdiction the Court of Sudder Adalut is fixed, is hereby authorized to refer to the register of the Sudder Adalut, any original civil suits cognizable by the zilla registers under Section VI. of this Regulation, and which may be now or hereafter depending in his zilla. In the trial of such suits, the register to the Sudder Adalut will exercise the same powers, and be guided by the same rules as are applicable to the zilla registers generally, he shall also be entitled to the same fees, on the decision of the suits as zilla registers; but he must be careful that the trial of such suits be not allowed to interfere with his primary duties as register of the Sudder Adalut.

Zilla Judge of Surat empowered to refer suits cognizable by their register to the register of the Sudder Adalut; such power not to interfere with their duties as register to the Sudder Adalut.

Second.—Whenever such duties shall be confided to the register to the Sudder Adalut, the Zilla Judge shall appoint a convenient place for his Court to be holden in the zilla court house.

Zilla Judge to appoint a place for his court, in the zilla court house.

X. *First.*—It shall be competent to the Zilla Judges, to receive a summary appeal from the orders or decrees of registers, assistant registers, sudder umeen, or native commissioners, in which they may have refused to admit an original suit or appeal, regularly cognizable by them, or having admitted such suit or appeal, may have dismissed it without an investigation of the merits, on the grounds of delay, informality or other default.

Zilla Judges may receive summary appeals from orders or decrees of inferior Courts.

Second.—The Zilla Judges shall regulate their proceedings in the admission, and hearing of such summary appeals, by the same rules as are prescribed for the guidance of the Sudder Adalut in similar cases.

Zilla Judges shall regulate their proceedings in same manner as the Sudder Adalut in such cases.

A. D. 1820. REGULATION VII.

A REGULATION for uniting the powers and functions of the Provincial Court of Circuit and the Superior Tribunal, in a Court, to be styled the Sudder Foujdaree Adalut; to fix the seat of this Court at Surat, and to provide for the appointment of the Judges; and also for prescribing the duties of the Court, and extending the powers of the Criminal Judges.— Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartkic Vud Sumbut or Vikramajeet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

Preamble.

WHEREAS it has been found expedient to unite the powers and functions, hitherto relatively possessed and exercised by the Provincial Court of Circuit and Superior Tribunal, in a Court to be styled the Sudder Foujdaree Adalut; it having likewise been resolved to fix the seat of the said Court at Surat, the Sudder Foujdaree Adalut being composed of the same Judges as the Sudder Adalut; and whereas an extension of the powers of the Criminal Judges has been deemed advisable, the following rules have been enacted, to be in force from the 1st January 1821.

Regulations III. 1800, and VIII. and IX. 1812, rescinded.

II. Regulation III. 1800, and Regulations VIII. and IX. 1812, are rescinded.

Denominations of Provincial Court of Circuit and Superior Tribunal abolished; powers, functions and duties of these Courts united in the Sudder Foujdaree Adalut.

III. The denominations of Provincial Court of Circuit and Superior Tribunal are abolished; and the powers, functions and duties of these Courts, as hitherto relatively possessed and exercised by them, with such extension and modifications as are hereafter provided, are hereby united in a Court, which shall henceforward be styled the Sudder Foujdaree Adalut.

Surat the seat of the Sudder Foujdaree Adalut: seal of the Court.

IV. The city of Surat shall be the seat of the Sudder Foujdaree Adalut; the Court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect in the Persian, Guzuratee and Mahratta languages and characters,—“The seal of the Sudder Foujdaree Adalut.”

The Court to consist of four Judges.

V. The Court of Sudder Foujdaree Adalut shall henceforth consist of four judges, to be denominated, respectively, chief judge, second judge, third judge and fourth judge of the Sudder Foujdaree Adalut, and they shall be selected and appointed by the Governor in Council from among the covenanted civil servants of the Company.

Oath to be taken by the Judges.

VI. The Chief Judge and each of the Puisne Judges who may be appointed to the Court of Sudder Foujdaree Adalut, previous to entering upon the duties of his office, shall take and subscribe before the Governor in Council, or such person as he may commission to administer it, the following oath:

I, *A. B.* solemnly swear, that I will truly and faithfully execute the duties of Judge of the Court of Sudder Foujdaree Adalut, that I will administer justice according to the Regulations that have been or may be enacted by the Governor in Council, to the best of my ability, knowledge and judgment, without fear, favour, promise, or hope of reward; and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution, from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending, or have been decided in the Court of Sudder Foujdaree Adalut, of which I am Judge; nor will I knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution, or from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending, or have been decided in the said Court; nor will I directly or indirectly, derive any advantage or emolument from my station, excepting such as the orders of Government do or may authorize. So help me God.

Register and assistant register to the Sudder Adalut to be register and assistant register to the Sudder Foujdaree Adalut.

VII. The register and assistant register to the Sudder Adalut shall also be register and assistant register to the Sudder Foujdaree Adalut; and previous to entering upon the duties of their offices, they shall take and subscribe before the Court, the following oath:

I, *A. B.*

I, *A. B.* register (or assistant to the register) to the Court of Sudder Foujdaree Adalut, do solemnly swear, that I will truly and faithfully perform the duties of the register (or assistant to the register) to this Court, according to the best of my knowledge and ability; and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution to be instituted, or which may be depending, or have been decided in the Court of Sudder Foujdaree Adalut, of which I am register (or to the register of which I am assistant); nor will I directly or indirectly, derive any advantage or emolument whatever from my office, excepting such as the orders of the Governor in Council do or may authorize. So help me God.

Oath to be taken by those officers.

VIII. The native law officers and ministerial officers of the Sudder Adalut, shall also be the law officers and ministerial officers of the Sudder Foujdaree Adalut, and previous to entering upon the duties of their offices, they shall make and subscribe the following solemn declaration, as prescribed by Clause Second, Section II. Regulation V. 1819.

Law officers and ministerial officers of the Sudder Adalut, to be the law officers and ministerial officers of the Sudder Foujdaree Adalut.

I, *A. B.* kazee (mooftee or pundit, nazir or surishtadar) of the Court of Sudder Foujdaree Adalut, solemnly declare, that I will truly and faithfully perform the duties of kazee (mooftee or pundit, nazir or surishtadar) of the Court, according to the best of my knowledge and ability; and that I will not receive directly or indirectly, any present or nuzzer, either in money or in effects of any kind from any party in any suit or prosecution to be instituted, or which may be depending or have been decided, in the Court of Sudder Foujdaree Adalut, of which I am kazee (mooftee, pundit, nazir or surishtadar), nor will I, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize.

Declaration to be made by them.

IX. The Court shall meet as often as the state of business may require, and shall keep a regular book of its proceedings.

Court to meet as often as may be necessary.

X. *First.*—The Court is empowered and directed to take cognizance of all matters relating to the administration of justice in criminal cases, and to call for the proceedings of Criminal Judges and Zilla Magistrates whenever found necessary, and to pass such orders thereupon as they may deem proper and consistent with the Regulations. The Court shall also take cognizance of matters regarding the police of the country, and shall submit to the Governor in Council such Regulations regarding it, and the administration of criminal justice, as it may deem advisable.

Court to have cognizance of all matters relating to the administration of criminal justice and the police, and to call for proceedings of Criminal Judges or Zilla Magistrates.

Second.—The powers vested in the Court of Sudder Adalut to suspend from office any Judge of a Zilla Court for disobedience or neglect of any process, rule or order of the Court of Sudder Adalut, or for a false return thereto, are hereby declared to be vested in the Court of Sudder Foujdaree Adalut, in similar cases of disobedience, neglect or false return, by any Criminal Judge or Zilla Magistrate, to any process, rule or order of the Sudder Foujdaree Adalut, which Court is authorized and directed to proceed in such cases of disobedience, neglect or false return, as well as upon cases of neglect or misconduct by assistants to the Criminal Judges or Zilla Magistrates, or other ministerial officers, in the same manner as is prescribed for the guidance of the Sudder Adalut; and in all cases wherein a covenanted servant of the Company, employed in any Criminal Court, or in any office of police, may appear to the Sudder Foujdaree Adalut to have been guilty of neglect of duty, or other misconduct, not expressly provided for by the Regulations, the Court is either to report the same to the Governor in Council, or to advise and admonish the party, as the case may require.

Powers vested in the Sudder Foujdaree Adalut, in cases of disobedience or neglect, or false return to any process, rule or order by a Criminal Judge or Zilla Magistrate; and how to proceed.

General rule when a covenanted servant may appear guilty of neglect of duty or other misconduct, not provided for by the Regulations.

XI. *First.*—The jail deliveries at the seat of the Court, and in the several zillas, shall be held before the Puisne Judges of the Sudder Foujdaree Adalut, in regular succession.

Jail deliveries to be held before the Puisne Judges of the Sudder Foujdaree Adalut.

Second.—There shall be two general jail deliveries, annually, in each zilla, with the exception provided for in the next Clause; for which purpose each Puisne Judge shall, in rotation, make the circuit of all the zillas. The first circuit shall commence on the 1st day of March, and the second on the 1st day of October, in each year respectively.

Two general jail deliveries to be made annually; exception. One Judge to make the circuit of all the zillas. Circuits to commence on the 1st of March and 1st of October.

Third.—The jail deliveries of the zilla of Surat, shall be held quarterly before one of the Puisne Judges of the Sudder Foujdaree Adalut, alternately, and shall commence on the 1st of the months of January, April, July and October, respectively, in each year.

The jail deliveries for the zilla of Surat to be held quarterly, before one of the Puisne Judges of the Sudder Foujdaree Adalut.

Judges to remain at the station of the Criminal Judges, until all the prisoners whose trials can be completed, are tried and sentenced, or their cases are referred to the Sudder Foujdaree Adalut.

XII. One of the Puisne Judges shall proceed to the places of residence of the Criminal Judges of the several zillas, and unless it be found indispensably necessary from the non-attendance of any material evidence, or other sufficient cause, to postpone any trial until a future session, the Judge shall remain at such station until all persons committed or held to bail for trial, by the Criminal Judge, shall have been tried; and (in matters in which sentence is directed to be passed by the Judge) sentence shall have been passed upon them; or (in cases in which the Judge is not authorized to pass sentence, or in which his sentence is not final) the trial referred to the Sudder Foujdaree Adalut.

Provisions for cases of death and other casualties.

XIII. In case of the death of the Judge proceeding on circuit, or of his inability to perform the circuit from sickness or any other unavoidable impediment, and in like manner, in case of the death of any of the other Judges, the earliest notice of the circumstance is to be communicated to the Governor in Council, who will make such provision for the case as he shall judge most advisable.

The native law officers of the Zilla Courts, to officiate as the native law officers to the Judge on circuit. Declaration

XIV. The native law officers of the Zilla Courts shall officiate in those capacities to the Judge on circuit; and previous to entering on the execution of their duties, they shall make and subscribe before the Judge, the declaration prescribed in Section VIII. of this Regulation.

Rules respecting examinations taken before the Criminal Judges. Rules for the examination of parties and witnesses.

XV. First.—All examinations taken before the Criminal Judges are to be written on separate papers, signed by the deponents, attested by the signature of the Criminal Judge, and arranged according to their respective dates; and, in the examination of witnesses, as well before the Criminal Judge as before the Court of circuit, the following rules are to be strictly attended to.

Examinations to be taken down in the language preferred by the party. Party to read it or hear it read, and if approved to attest it.

Second.—All examinations of parties and witnesses are to be taken down in the language and character in which the person examined may desire to have the same recorded, and such person, whether party or witness, is to be allowed to read the same when finished, or, if unable to read, it is to be read to him, after which, if he admit the record to be correct, he is to affix his name or mark to it; and the Judge, Magistrate or other officer, before whom such examinations may have been taken, is to certify the same, under his official signature, on the original record, that the proceedings may be complete, for the perusal of the Sudder Foujdaree Adalut and its law officers, in the event of the trial being referred to that Court.

Judge to certify it.

Leading questions to be avoided.

Third.—In the examination of witnesses, leading questions suggesting an answer, or having a tendency to such suggestion, are to be carefully avoided; and the interrogatories to them are to be proposed in such general terms as may bring forth all the information they possess, and lead to a discovery of the truth; with this view, the parties are to be allowed to cross-examine them when necessary, for the same purpose.

Party and Judge to cross-examine.

What the examinations are to specify.

Fourth.—All examinations of parties and witnesses, besides the name of the person examined, are to specify the name of his or her father, and if a married woman, the name of her husband, also the religion, cast, profession and age of the party or witness, and the place of their residence.

In what manner examinations are to be made respecting stolen goods.

Fifth.—When any stolen property, or instruments of violence, stated to have been found upon the prisoners, or in their houses, are produced before the Criminal Judge or Court of jail delivery, the prosecutor and any witnesses brought to give evidence thereupon, are to be carefully examined relative to the identity of such property, or instruments recognized by them, and the circumstances of the same having been found upon the prisoners, or in their houses. The principle of this rule is to be further applied in all instances of circumstantial evidence, to which it may be applicable.

Rule to be applied to circumstantial evidence.

Admonition to be read to witnesses.

Sixth.—With a view to impress upon the witnesses the necessity of caution and accuracy in delivering their evidence, it shall be the duty of the moolla kooranee, or of the Brahmin or other officer for swearing witnesses, to repeat aloud to them in the language which they best understand, the following admonition, immediately after they shall have been sworn respectively; viz.—

“ In delivering your evidence under the oath now administered, you are required to declare the truth, the whole truth, and nothing but the truth; you are carefully to distinguish what you personally know as eye witness, or otherwise, from what you may have heard from others; and are solemnly bound to answer all questions put to

to you on the trial before the Court, without any regard to the prosecutor or prisoner, to the best of your information and belief."

Seventh.—The Judge on circuit is to be careful to notice on his proceedings, any material differences between the depositions of the same witnesses before him, and the Criminal Judge, and is to question the witnesses thereupon and record their answers.

XVI. All examinations and depositions are to be taken and written in the language in which the deponents are most conversant.

Deposition to be taken in writing, in the language in which the deponent is most conversant.

XVII. The proceedings on the trial of prisoners are to be conducted in the following manner. The charge against the prisoner, his confession (which is always to be received with circumspection and tenderness) if he plead guilty, or, if he plead not guilty, the evidence on the part of the prosecutor, the prisoner's defence, and any evidence which he may have to adduce, being all heard before him, the Judge is to determine as to the matter of fact; in the event of his deeming the charge not proved, he is immediately to pronounce the party acquitted, and to discharge him from the bar: but where, on the contrary, he considers any degree of guilt as proved on the party, he is to proceed to judgment, if the prisoner be a Christian, Parsee, or of other religious persuasion, not Moohumeedan or Hindoo, on the principles of the English law; but if the party tried be a Moohumeedan or Hindoo, the Judge is to draw up a summary of the case which is to conclude by a question thereon, to be stated to the native expositors of the law of the religious persuasion of the parties respectively, as to what punishment is thereby assigned to such offence, on the ascertainment of which, the Judge is on the spot, to pronounce judgment on the party accordingly, except in cases in which he is expressly directed not to pass sentence, and to proceed to issue his warrant for the execution of it, without further reference or delay; provided however, that in all cases where a prisoner may be condemned by such sentence to suffer death or imprisonment for life, the Judge shall transmit a copy of the sentence and of all the papers and proceedings read and recorded during the trial, to the Sudder Foujdaree Adalat, and shall not execute such sentence, but shall wait the final judgment of that Court.

Manner in which the trial of the prisoner is to be conducted.

XVIII. The prosecutor is to be allowed the option of carrying on the prosecution in person, or by a wukeel duly appointed. This rule, however, is not meant to prohibit the Judge causing prosecutors to attend in person in every case in which their *viva voce* evidence shall be deemed necessary, provided they be not Moohumeedan, Hindoo, Parsee, or other women, of a rank and situation in life which according to the custom and prejudices of the country, would render it improper to compel them to appear in a Court of justice. If prosecutors or witnesses on a trial shall be women of this description, and their evidence shall be deemed necessary, and the case shall be of such a nature as to admit of its being taken by commission, the Judge shall not require the attendance of such women, but shall depute persons to take their evidence, in such manner as may be most conducive to certainty, and consistent with the manners of the country.

Persons allowed to prosecute by wukeel.

The rule not to prevent the Court requiring, if necessary, the personal attendance of prosecutors. Exceptions and limitations.

XIX. If the attendance of any witness on the part of the prosecutor or prisoner, whose evidence the law may not allow to be taken by commission, cannot be procured, or if any witness cannot be found, the Judge may postpone the trial until the next session, provided there shall appear to him sufficient cause for so doing. If the attendance of such witness cannot then be procured, or if he shall not have been found, the Judge may, in like manner, postpone the trial a second time. But if the Judge shall be of opinion that the evidence of any witness or witnesses who may be absent, is not necessary, he shall complete the trial without the evidence of such witness or witnesses.

How the Court is to proceed in case the deposition of any witness cannot be obtained.

XX. On trials for murder, the law officers shall, where the parties tried are Moohumeedans, deliver their futwah, or law opinion upon the case, according to the doctrine of Yusuf and Moohummed, respecting which, and the law of the Hindoos likewise, the Judge may refer to the translation of the Hedaya by Hamilton, and of the Hindoo laws by Halhed, and by Sir William Jones, as likewise the tract entitled, "Observations," for the purpose of assisting him in appreciating the accuracy and the applicability of the expositions of the law officers.

In cases of murder, the law officers, if the parties tried be Moohumeedans, are to deliver their futwah according to Yusuf and Moohummed.

No criminal to suffer mutilation.

Punishment to be inflicted in lieu of it.

Rule in respect to sentences for deyat or price of blood.

How the Court is to proceed, if disapproving of the legal exposition of the law officers.

Or entertaining doubts as to the proper application of the English law.

Religious persuasions of witnesses not to invalidate their testimony.

Persons convicted of putting to death any one as a forcerer, to be held guilty of murder, and punished accordingly. Persons holding an assembly for the trial of witchcraft, to be considered accomplices.

The Judge on circuit is, if practicable, to transmit those trials first to the Sudder Foujdaree Adalat, on which the prisoners have been sentenced to capital punishment.

The Judge on circuit is to transmit to the Sudder Foujdaree Adalat, as soon as possible after the close of a trial referrible to the Court, a counterpart of the original record. In what manner such record is to be authenticated; and what it is to contain. Proceedings and papers received from the Criminal Judge to be also transmitted. Variations in the depositions of the same witness to be noticed.

XXI. No criminal shall suffer the punishment of mutilation. If a prisoner shall be declared, in conformity to the exposition of the law officers, liable to the penalty of losing two limbs, instead of being made to undergo such punishment, he may be imprisoned and kept to hard labour for fourteen years: and if declared liable to lose one limb, he may in lieu of such punishment, be imprisoned and kept to hard labour for seven years. The Judges are accordingly directed, whenever any criminal shall be declared liable to suffer mutilation, to commute such punishment by their sentence, for imprisonment and hard labour for the terms above prescribed, and to issue their warrant to the Criminal Judge for that purpose.

XXII. In the event of the answer of the law officer ascertaining, in the case of Moohumeedan culprits, the penalty of the law to be deyat, or the price of blood, the Court of jail delivery is to commute the fine to imprisonment for such period as it may consider adequate to the offence.

XXIII. Whenever the Judge shall disapprove of the exposition of the law, he is not to pass sentence on such cases, but shall complete the trial, and transmit to the Sudder Foujdaree Adalat, a copy of all the proceedings, and the legal exposition of the law officer, with a separate letter, stating the ground of his disapproval, and leave the case to the judgment of the Court; which may be either in concurrence with the exposition of the law, or in mitigation, but not in enhancement of the requisition thereof; and such judgment is to be valid and final. In like manner, when the Court may feel at a loss on the proper application of the English law, in the instance of the trials of Christians, Parsees or others, not being Moohumeedans or Hindoos, the Judge may make a report of the case, and submit his doubts to the Governor in Council, who will obtain for him a legal opinion on the case, by which the Judge shall be guided in passing sentence.

XXIV. The religious persuasions of witnesses shall not be considered as a bar to the conviction or condemnation of a prisoner, in cases in which the evidence given on a trial would be deemed incompetent by the Moohumeedan law, solely on the ground of the persons giving such evidence, not professing the Moohumeedan religion.

XXV. If any person or persons of any cast or persuasion within the Company's provinces, shall hereafter put any person to death, on the ground of his or her being versed in and practising sorcery, such person or persons, on being convicted of the crime, shall be held guilty of murder, and be punished accordingly; and if any person shall either actually form themselves into an assembly, for the purpose of trying any man or woman on a charge of witchcraft, or on any other charge, or shall cause such assemblies to be held, and any person or persons shall, in consequence, be put to death, they shall be considered as accomplices in the murder, and be dealt with accordingly.

XXVI. The Judge on Circuit is to transmit to the Sudder Foujdaree Adalat copies of his proceedings on the trial of all prisoners whom he may sentence to suffer death, or who may in his opinion be deserving of capital punishment, within ten days after the trial is completed, or as much earlier, as from the state of business may be practicable. He is further directed, in the transmission of trials to the Sudder Foujdaree Adalat, to give a preference, as far as practicable, to those trials in which the prisoner or prisoners may have been sentenced to capital punishment, or may be liable to suffer such under the Regulations.

XXVII. The Judge of the Court of Sudder Foujdaree Adalat before whom the jail deliveries for the several zillahs may be held, shall as soon as possible after the close of any trial, referrible to the Sudder Foujdaree Adalat, and with no further delay than may be necessary to transcribe the proceedings held thereupon, transmit to that Court a complete and exact counterpart of the original record of all proceedings held, and papers received, relative to such trial. The record to be so transmitted is to be authenticated by the signature of the Judge before whom the trial may have been held, and is to include the whole of the proceedings held before the Court, with every examination, exhibit, or material paper of whatever denomination, taken by or delivered to that Court. The whole of the proceedings and papers received from the Criminal Judge upon the case referred, are also to be annexed to, and transmitted with the proceedings of the Court; but any variations between the depositions of the witnesses before the Criminal Judge and Court of jail delivery are to be carefully noticed on the proceedings of the latter; and any confessions

confessions of the prisoners before the Criminal Judge, any inquests taken in cases of homicide, or any other evidence appearing on the proceedings of the Criminal Judges, are to be entered, with the necessary proofs, on the proceedings of the Court of jail delivery.

Confessions of prisoners, inquests and other evidence before the Criminal Judge, when to be entered, and how.

XXVIII. The Judge on circuit is empowered to direct the Criminal Judge to cause any person or persons who may be guilty of contempt of Court, in open Court, to suffer corporal punishment with a rattan, not exceeding fifteen strokes, or imprisonment for any term not longer than fifteen days.

Punishment to be inflicted on persons guilty of contempt of Court, in open Court.

XXIX. The Judge on circuit is to report to the Sudder Foujdaree Adalut, every instance in which it shall appear to him that the native law officers have shown incapacity for their offices, or have been guilty of misconduct in the performance of their duty, or of any acts of profligacy in their private conduct.

Incapacity or misconduct in public duty, or profligacy in private behaviour, in the law officers, to be reported to the Sudder Foujdaree Adalut.

XXX. The Judge on circuit is to visit the jails, civil as well as criminal, on every circuit, and to issue to the Judge, or Criminal Judge, such orders as may appear to him advisable for the better treatment, accommodation, or security of the prisoners.

Judge on Circuit to visit the criminal and civil jails; to issue orders for the better treatment, accommodation and security of the prisoners.

XXXI. The Judge on circuit is to report to the Sudder Foujdaree Adalut, every instance in which it shall appear to him that Criminal Judges or Zilla Magistrates have been guilty of neglect or misconduct in the discharge of their duty. He is also to acquaint the Sudder Foujdaree Adalut whenever the Criminal Judges or Zilla Magistrates omit or refuse to obey his orders.

Neglect or misconduct of the Criminal Judges or Zilla Magistrates to be reported to the Sudder Foujdaree Adalut.

XXXII. The Judges, individually, may submit to the whole Court, such rules as may appear to them calculated for the better regulation of the trials of prisoners, the administration of justice, or the police of the country.

The Judges, individually, to submit to the whole Court, rules for the better regulation of trials and other matters.

XXXIII. The Judges on their return from each circuit, are to lay before the whole Court, a report containing such observations as they have made during the circuit, regarding the effect of the present system, for administering the criminal laws, in the prevention and punishment of crimes, as well as respecting the state of jails, the treatment and employment of the prisoners, and such other matters as they may think deserving the notice of the Court.

Judges after each circuit to report their observations on the effect of the system, the state of the jails and other particulars.

XXXIV. *First.*—No pecuniary compensations, nor sums as damages, shall be adjudged to, or be recoverable by individuals in any criminal prosecution; nor shall any fines be imposed by any Court of criminal jurisdiction, save and except to the use of Government; and whenever a fine to the use of Government shall be imposed, the Court, which may pass the sentence, shall at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment to be held as equivalent to the fine, at the expiration of which, the persons convicted shall be discharged, although they should have omitted to pay the fine. The imprisonment awarded under this Section, as an equivalent for fines imposed, shall be temporary in all cases, and not for life; and such sentences shall be executed without reference to the Sudder Foujdaree Adalut.

Pecuniary compensations and sums as damages to individuals, not to be recoverable in the Criminal Courts. Fines how to be imposed; for whose use; what period of imprisonment is to be held equivalent to the fine.

Second.—Whenever the law officers of the Court of jail delivery shall declare prisoners liable to pecuniary fines of any kind, for any other acts than murder, the Court shall, at its discretion, commute such fines to imprisonment for such period as it may think adequate to the offence, and the sentences in such instances shall be carried into execution, without reference to the Sudder Foujdaree Adalut, if for temporary imprisonment; or referred to that Court, if for imprisonment for life, which shall at its discretion confirm the said sentences, or mitigate, or entirely remit the imprisonment awarded.

Court of jail delivery empowered in certain cases to commute sentences of fines to imprisonment for a term, or for life; but when for life, their sentences referrible to the Sudder Foujdaree Adalut.

Third.—Nothing contained in this Section shall be construed so as to prohibit the restitution to the lawful owners of stolen property, recovered and produced before the Criminal Judges, and Court of jail delivery, nor to restrict the Criminal Court from adjudging a reimbursement of costs actually incurred, upon a prosecution before it, by either of the parties thereto, in particular instances, wherein it may consider such reimbursement just and equitable; nor to restrict the Zilla Magistrates and Criminal Judges from making the award of the whole or portion of a fine, in cases of personal injuries, prescribed by Clause Second, Section XXXVII. and Section LXXIV. Regulation III. 1818.

This Section not to prevent the restitution of stolen goods nor of reimbursement of costs in particular cases; nor the application of a fine when levied in cases of personal injury, provided for by Clause Second, Section XXXVII. and Section LXXIV. Regulation III. 1818.

Appeals to be tried by the Puisne Judge on circuit in the Southern Concan.

XXXV. A Puisne Judge of the Sudder Foujdaree Adalat, when on circuit in the zilla of the Southern Concan, is hereby authorized to try appeals, under the general Regulation, in causes in which the ground of action may arise within that remote district, and which shall have previously been regularly admitted upon the file of the Sudder Adalat.

Authority for the Judge's proceeding, and how his acts are to be regulated.

XXXVI. An order of Court by the Sudder Adalat, shall be the authority for the Judge's proceeding in such cases; and his acts shall be regulated by the like powers and subject to the same restrictions, limitations and exceptions as are prescribed to the Zilla Court.

If the decree affirm the decision of the lower Court, a further appeal to the King in Council only to be allowed.

A special appeal to the Sudder Adalat, or regular appeal to the King in Council, at the option of the

XXXVII. If the decree of the Judge, acting under the authority granted by the two preceding Sections, affirm the decision of the lower Court, no further appeal shall be allowed, except the party cast be desirous of carrying the suit before the King in Council; but when his decision may have reversed the decree of the lower Court, the party cast may prefer a special appeal in the case to the Sudder Adalat collectively, under the conditions prescribed by the Regulations for such appeals, or he may appeal the case, in a regular manner, to the King in Council.

Powers granted to the Judge on Circuit to enquire into and regulate the proceedings of the Zilla Civil Courts.

And to introduce improvements.

XXXVIII. The Judge on circuit, in addition to the powers of superintendence and revision vested in him by the existing Regulations, shall also have authority to enquire into and regulate the proceedings of the Zilla Civil Courts, with the view to maintain a due obedience to the Regulations of the Government, and an uniformity of system; it shall also be competent for him to propose the introduction of improvements in the method of proceeding in any zilla which may have been found useful in another.

Provisions for their guidance on a difference of opinion arising between the Judge on circuit and the local authorities, on the meaning and construction of any Regulation referred to by the former.

And for a reference to the Governor in Council in the event of those authorities entertaining doubts of the utility or fitness of any improvement suggested by the Judge on circuit.

XXXIX. Should any difference of opinion arise between a Judge on circuit, exercising the functions prescribed in the foregoing Section, and a Judge, Criminal Judge, or Zilla Magistrate, regarding the meaning and construction of any Regulation referred to by the former, in any order or instructions he may issue to such local authorities, the question shall be referred to the Sudder Adalat, or Sudder Foujdaree Adalat, collectively, according as it may be connected with the administration of civil or criminal justice, which Courts shall proceed to decide upon it agreeably to the provisions of Regulation VIII. 1820. But, should a Judge, Criminal Judge, or Zilla Magistrate, entertain doubts of the utility of any improvement suggested by the Judge on circuit, for which no specific provision by Regulation may have been made, and the Judge, after duly considering the objection stated, continue of opinion that the suggested improvement ought to be introduced, he shall suspend further proceeding, and report the circumstances of the case, with his sentiments thereon, to the Governor in Council, who, if agreeing with the Judge on circuit as to the utility and fitness of the suggested improvement, will either direct the Sudder Adalat, or Sudder Foujdaree Adalat, according as the question may pertain to the administration of civil or criminal justice, to frame a corresponding Regulation, and submit it to the Government, or will issue such orders on the case as may be judged most proper; should the Governor in Council disapprove of the improvement recommended, and communicate his sentiments to the Judge, or Court collectively, all proceedings therein shall thenceforward cease.

How to be determined.

Jurisdiction of the Sudder Foujdaree Adalat in matters referred to the Court, by the Judge on circuit.

XL. The Court of Sudder Foujdaree Adalat shall have jurisdiction and authority to decide on all matters referred to it by the Judge on circuit; wherein, after considering the proceedings, it is either to require further evidence, if it see occasion, or to pass such final sentence as may appear consonant to justice and conformable to the law of the religion of the party or parties tried, or the custom of the country, without being bound by the former, in cases of Moohumeedan culprits, where the law of that religion may declare the prisoner not liable to capital punishment, from the heirs of the slain not being legally entitled to demand kisas or retaliation; or by its failure, from the parties standing in the relation of parent and child, or master and slave, or otherwise, in which cases, the final sentence is to be pronounced, as if the parties had not stood to each other in these relations.

Chief Judge to be fixed at the seat of the Court. Three Judges, whenever practicable, to sit on trials referred by the

XLI. *First.*—It being expedient that the Chief Judge of the Sudder Foujdaree Adalat, should remain fixed at the seat of the Court, for the conduct of the public business, and that the proceedings on trials referred to the Court collectively, by a Puisne Judge on circuit, should, in every instance, come before three Judges, unless

unless when the absence of any member of the Court shall be caused by sickness or other unavoidable impediment; and as the reference of cases by the Judge delivering the jail of Surat, at the quarterly sessions established for that zilla, will generally be made while a Puisne Judge is absent on circuit, it is further advisable that the Chief Judge should preside in the Court composed of two Judges, which shall revise such proceedings, and this is accordingly, together with the provision made in the first part of this Clause, hereby so provided for and directed. It shall also be considered an invariable rule, that the Judge who tried a case or referred any question to the Sudder Foujdaree Adalut, shall forbear to attend the Court when such case is revised or question examined, although present at the seat of the Court at the time.

Puisne Judge on circuit. Chief Judge not to sit on the quarterly sessions at Surat, that he may be able to preside in the Court of Sudder Foujdaree Adalut, trying references from the sessions.

Second.—On the receipt of the proceedings referred to the Court by a Judge on circuit, the Court of Sudder Foujdaree Adalut, consisting of not less than two Judges, shall meet, and the register shall lay before them the proceedings of the Judge, including the question propounded by him, and referred for the opinion of the native law officer, with the exposition of the law thereon. After duly considering the same, if the Court concur in the conviction, they shall require their law officers to state in writing, whether the futwah or wuwusta of the law officer is conformable to the laws of the religion of the defendants or accused parties; if it be not, they shall state what futwah or wuwusta ought in their opinion, to have been delivered, and subscribe their names to their respective opinions; when the Court of Sudder Foujdaree Adalut, after perusing the proceedings of the Judge on circuit, the futwah or wuwusta of the law officers of that Court, and the futwah or wuwusta of those of the Sudder Foujdaree Adalut, shall pass the final sentence.

Court of Sudder Foujdaree Adalut consisting of not less than two Judges, to meet on receiving references from the Judge on circuit.

The law officers to be required to state in writing their opinion of the futwah or wuwusta.

Court to pass sentence.

Third.—In any sitting of the Sudder Foujdaree Adalut, held before three Judges, a difference of opinion shall be regulated by the majority; when two Judges sit, the senior shall have the casting voice, on a difference of opinion, provided he concur with the Judge on circuit, before whom the trial under reference may have been held; but if the senior Judge shall not concur, with respect to the conviction of the prisoner, sentence shall not be passed until another Judge of the Sudder Foujdaree Adalut can sit with them upon the trial.

Provisions for the guidance of the Court on a difference of opinion among the Judges.

XLII. The Judges of the Sudder Foujdaree Adalut on passing the final sentence, shall immediately issue their warrant to the proper Criminal Judge, to cause the sentence to be carried into execution. The Criminal Judge, upon the receipt of the warrant, shall cause the sentence to be executed, without delay, and return the warrant to the Court of Sudder Foujdaree Adalut, with an endorsement, attested with his official seal and signature, certifying the manner in which the sentence has been executed.

Judges to issue their warrant directing execution of the sentence so soon as passed. Criminal Judge to cause the sentence to be executed immediately upon the receipt of the warrant.

XLIII. If any criminal who may be sentenced to suffer death shall appear to the Sudder Foujdaree Adalut to be a proper object for mercy, the Sudder Foujdaree Adalut is authorized to suspend the execution of such sentence, and to submit the case, with a corresponding recommendation, to the Governor in Council, who may grant a pardon to him or her, or make such commutation of the punishment as may seem proper.

Cases of criminals sentenced to death, who may appear to be deserving of mercy, to be submitted for pardon to the Governor in Council.

XLIV. In cases of a heinous nature, such as murder, gang robbery, arson and the like, wherein the crime may be known to have been committed by several persons, the principal of whom may not have been apprehended or convicted, if on the representation of the Criminal Judge or Zilla Magistrate, or Judge of Sudder Foujdaree Adalut on circuit, it shall appear to the Sudder Foujdaree Adalut, that an offer of pardon to one or more of the supposed accessaries (on condition of their making a full disclosure of every circumstance within their knowledge, relative to the commission of the crime, and the several persons concerned in it), may lead to the apprehension or conviction of the principal offender or offenders, the Court is to submit the case to the Governor in Council, who, if he approve the same, will authorize such offer of pardon; and, on the condition of it being fulfilled, the Sudder Foujdaree Adalut is to confirm it by a written certificate or testimonial, under the signature of its register, and the seal of the Court, to be delivered to the party or parties for his or their security, as far as regards the act or acts therein referred to.

The Sudder Foujdaree Adalut may recommend a pardon to accessaries in crimes of a heinous nature, for the apprehension or conviction of the principal offenders.

In what manner such pardon is to be granted.

The Judge on circuit, and Criminal Judges and Zilla Magistrates, to report cases in which a pardon for the above purpose should be offered.

Transportation beyond sea confined to convicts sentenced to confinement for life. How to be adjudged.

Powers of the Courts in regard to convicts sentenced to confinement for life, but not considered proper objects of transportation beyond sea, as also in respect to convicts sentenced to a limited period.

Reports to be made by the Criminal Judges of convicts sentenced to be transported or banished under the two preceding Clauses.

Sudder Foujdaree Adalat declared competent to order the removal of convicts under sentence of imprisonment, to any jail or district within the Company's possessions.

Section IV. Regulation III. 1802 rescinded. Convicts escaped from jail, or otherwise, during their sentences, and re-apprehended, to be brought to trial for such escape, or for any acts of violence attending the same. How punishable on conviction.

Convicts under sentence of transportation for life, who may be transported after the promulgation of this Regulation, and shall escape and return, without permission, to any part of the Company's territory under the

Criminal Judges in certain cases empowered to pass sen-

XLV. The Puisne Judge on circuit, and the several Criminal Judges and Zilla Magistrates, are to report to the Sudder Foujdaree Adalat whenever it may appear to them expedient to tender an offer of pardon, for the purpose stated in the foregoing Section; communicating at the same time all the information they may possess respecting the circumstances of the case, as well as the measures taken to apprehend or convict the offenders, for whose apprehension or conviction the proposed pardon may be recommended.

XLVI. *First.*—Transportation beyond sea shall be hereafter restricted to convicts who may be sentenced to confinement for life; and in all instances wherein a sentence of confinement for life may be passed against a prisoner, whether by a Court of jail delivery in the first instance, or finally by the Sudder Foujdaree Adalat, the Court passing such sentence, if it deem the prisoner a proper object of transportation beyond sea, shall at the same time, adjudge him or her to be transported for life.

Second.—In the cases of convicts sentenced to confinement for life, whom a Court of jail delivery, or the Sudder Foujdaree Adalat, may not consider proper objects of transportation beyond sea, under the preceding Clause; as well as in all cases of convicts sentenced to imprisonment for a limited period, the Court by whom the sentence is passed, if it deem the same proper on consideration of the prisoner's offence, may adjudge him to be banished during the period of his sentence, from the district in which his place of abode is situated; and to be kept to hard labour on the public roads or other public works, in any other district to which he may be removed by order of the Sudder Foujdaree Adalat.

Third.—The Criminal Judges of the several zillas, at the close of the jail delivery of their respective districts, or at any other period when the same may be required by the Sudder Foujdaree Adalat, shall transmit to that Court a list of the convicts in their respective jails who may have been sentenced to transportation beyond sea, or to banishment from the district in which the offenders may have resided, under each of the two preceding Clauses; specifying in such lists the names, ages, crimes and sentences of the several convicts; and in the list of those sentenced to banishment, the district in which they may have usually resided before they were brought to trial.

Fourth.—The Sudder Foujdaree Adalat is declared competent to order the removal of all convicts under sentence of imprisonment, to any jail or district within the Company's possession, in which it may be thought proper to keep or employ them during the period of their respective sentences, although no specific sentence of banishment may have been passed against them under Clause Second of this Section. But no such removal shall take place without the special order of the Sudder Foujdaree Adalat.

XLVII. *First.*—Section IV. Regulation III. 1802, is hereby rescinded. Convicts sentenced to imprisonment by a Court of jail delivery, or by the Sudder Foujdaree Adalat, who during the period of their sentences may escape from jail, or other place of confinement, or from the roads, or any other place where they may be employed, and who may be re-apprehended, shall be brought to trial before a Court of jail delivery for such escape, as well as for any acts of violence or aggravating circumstances attending their escape, or for any violent acts done in an attempt to escape; and on conviction they shall be liable to such further punishment in addition to their former sentences, as may be adjudged against them, on consideration of the circumstances of the case, under the provisions contained in this Regulation.

Second.—Any convict under sentence of transportation for life, who may be transported to any place beyond sea, and shall escape from such place of transportation, and return without permission, to any part of the Company's territory under the Presidency of Bombay, shall (notice of this penalty being duly made to the convict at the time of passing sentence on him), on conviction thereof, to the satisfaction of the Sudder Foujdaree Adalat, and if no circumstances appear to that Court to render such convict an object of mercy, be adjudged to suffer death. presidency of Bombay, declared liable on conviction, to suffer death.

XLVIII. *First.*—In extension of the powers of punishment vested in the Criminal Judges by Section XLVII. Regulation III. 1818, and by Section VI. Regulation

Regulation IX. 1819, it is hereby provided, in cases of conviction before a Criminal Judge of a criminal offence, for which the Criminal Judge may deem imprisonment for a period above two years and not exceeding seven years, with or without hard labour, an adequate punishment, the Criminal Judge shall pass sentence accordingly, but suspend execution of it until he shall have referred the case, together with copies of all papers belonging to or connected with it, for the approval of the Sudder Foujdaree Adalat, which reference he is required to make within fifteen days from the date of the sentence; and the order of the Sudder Foujdaree Adalat confirming, mitigating, altering or annulling the sentence, shall be final.

Sudder Foujdaree Adalat empowered to confirm, mitigate, alter or annul such sentence.

Second.—The Criminal Judges are hereby impowered to pass and carry into execution sentences of imprisonment, with or without hard labour, for a term not exceeding two years, without making the reference required by the preceding Clause; all such sentences being revisable under the provisions of Section LXIV. Regulation III. 1818. But the additional authority given by this Section to Criminal Judges, is not extended to their senior assistants, unless when the latter may be officiating in the office of Criminal Judge by the special appointment of the Governor in Council; the powers of awarding punishment of senior assistants to Criminal Judges remaining as heretofore, and being no longer co-extensive with those of the Criminal Judges.

Criminal Judge to pass sentence, of imprisonment if for any term below two years, without reference to the Sudder Foujdaree Adalat; such sentences being nevertheless revisable under the Regulations. Powers of the senior assistants to Criminal Judges not enlarged remain as heretofore.

XLIX. To obviate any misunderstanding and difficulty from the denominations of Provincial Court of Circuit, and Superior Tribunal continuing unaltered in many places of the general Regulations, as an entire change of the text in this respect would be attended with much inconvenience, it is hereby provided, that whenever reference is made in direct terms, or by inference, in any existing Regulation, to the former Provincial Court of Circuit, or Superior Tribunal, this shall henceforth be held and taken to apply to the Sudder Foujdaree Adalat only, in either its highest or subordinate capacity, according as the matter referred to may relate to one or other of the former Courts.

Provision for determining the application of the denominations, Provincial Court of Circuit, and Superior Tribunal, in the existing Regulations.

A. D. 1820. REGULATION VIII.

A REGULATION for rescinding Regulation XI. 1812, and for re-enacting its provisions for the guidance of the Courts of Justice, in cases of a difference of opinion on the meaning and construction of the Regulations, in a form to correspond with the existing powers and functions of the Courts of Sudder Adalat, and Sudder Foujdaree Adalat.—Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartick Vud Sumbut or Vikramajeet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

WHEREAS the new constitution of the Court of Sudder Adalat, and abolition of the Provincial Court of Appeal, together with the junction of the duties of the former superior Tribunal and Court of Circuit, in the Court denominated the Sudder Foujdaree Adalat, renders it necessary to rescind Regulation XI. 1812, in its present shape, but to re-enact its provisions under a form corresponding with the powers and functions of the said Courts, as now established, the Governor in Council has therefore passed the following Rules, to have effect from the 1st of January 1821.

Preamble.

II. Regulation XI. 1812 is hereby rescinded.

Regulation XI. 1812, rescinded.

III. Whereas doubts may arise as to the duty of Zilla Judges, Criminal Judges, or Zilla Magistrates, in cases wherein they may construe the general rules prescribed by Government in a different sense from the construction given thereto by the Judges of the Sudder Adalat or Sudder Foujdaree Adalat; and it being of consequence, to prevent delay in the administration of justice, that a clear rule of conduct should be established to provide for such cases, it is hereby enacted.

Reasons for the provisions enacted by this Regulation.

IV. In all instances wherein a precept issued by the Courts of Sudder Adalat or Sudder Foujdaree Adalat, to a Zillah Judge, or Criminal Judge, or Zillah Magistrate, shall appear to such Judge or Magistrate to be contrary to, or unwarranted by the existing Regulations, he is authorized to state to the Court of Sudder Adalat

Zillah Judges, Criminal Judges and Zilla Magistrates may state objections to precepts of the Sudder Adalat or Sudder Foujdaree

Adalut, if considered contrary to or unwarranted by the Regulations, and suspend execution till receipt of a second precept.

To comply with a second precept; but if still of opinion the precept is unwarranted may request that the case be laid before the Governor in Council.

Provifo.

Determination of the Governor in Council to be conclusive.

Sudder Adalut or Sudder Foujdaree Adalut to report to the Governor in Council any case in which they have doubts on the meaning of the Regulations.

Adalut or Sudder Foujdaree Adalut, in what respect he considers their precept to be in deviation from the Regulations; and suspend execution until the receipt of a second precept, in reply to his objections. But if the second precept of the Sudder Adalut or Sudder Foujdaree Adalut, in reply to the objections of the Zillah Judge, Criminal Judge, or Zillah Magistrate, shall confirm their first precept, in whole or in part, and shall require the Zillah Judge, Criminal Judge, or Zillah Magistrate to execute the same without further reference, he shall immediately comply with such requisition. In case however the second precept of the Sudder Adalut, or Sudder Foujdaree Adalut shall not satisfy the Zillah or Criminal Judge, or Magistrate that the Regulations have been rightly construed, he is at liberty, at the same time that he certifies the execution of the order of the Sudder Adalut or Sudder Foujdaree Adalut, to request that the Judges will transmit copies of their precepts to him, and of his returns thereto, with such other papers as may be necessary for the information of the circumstances of the case to the Governor in Council; and the Sudder Adalut shall accordingly transmit such papers, as requested, without any unnecessary delay: provided nevertheless, that nothing in this Regulation be understood to authorize any Zillah Judge, Criminal Judge or Zillah Magistrate to question the propriety of any order issued by the Sudder Adalut or Sudder Foujdaree Adalut, in cases clearly left to the discretion and judgment of these Courts by the Regulations; the reference to them, meant to be authorized by this Regulation, being confined to cases in which the sense of the Regulations, from a difference of construction or otherwise, may appear doubtful and uncertain.

V. In all references made under the preceding rule, the determination and order thereon of the Governor in Council is to be held final and conclusive by the Sudder Adalut, Foujdaree Adalut, Zillah and Criminal Judges, and Magistrates.

VI. Should any doubt occur to the Sudder Adalut or Sudder Foujdaree Adalut with respect to the meaning of any part of the Regulations, or should it appear to them on occasion of any reference under the preceding rule, that the Regulations do not sufficiently provide for the case before them, they are, in the former case, to report the circumstances of it to the Governor in Council, that a new Regulation may be framed, in explanation of such doubt; and, in the latter case, are to propose a new Regulation.

RULE, ORDINANCE AND REGULATION I. 1820.

A RULE, Ordinance and Regulation for establishing an effective control over the shipping resorting to the port of Bombay; for preventing the desertion of the crew of ships; the European soldiers of the garrison offering themselves as seamen, and for the better security of the harbour and dock-yard of Bombay.—Passed by the Honourable the Governor in Council of Bombay on the 31st of May 1820; and registered in the Honourable the Court of the Recorder of Bombay on the 11th day of July 1820.

Preamble.

WHEREAS, by the statute passed in the forty-seventh year of his late Majesty king George the Third, intituled, "An Act for the better Government of the settlements of Fort St. George and Bombay," it is enacted, that it shall be lawful for the Governor in Council to make and issue Rules for the good order and civil government of this Island, subject to the previous condition of being duly registered and published in the Court of the Recorder of Bombay, and to such other conditions as are imposed by the statutes of the thirteenth, thirty-ninth and fortieth of his late Majesty, upon the exercise of a like power at Fort William in Bengal by the Governor General in Council; and whereas it is expedient, that certain provisions and rules contained in Regulation II. A.D. 1810, intituled, "A Regulation for the Port of Bombay, passed by the Governor in Council on the 30th September 1810, &c." should be amended and modified; and together with other new rules and provisions for the better government of the Port of Bombay, be promulgated in due form, and receive undisputed legal authority.

Be it therefore ordained, by the authority of the Honourable the Governor in Council now assembled, and in virtue of the power by the said statute conferred, that

that from and after the due registry and publication of this Rule, Ordinance and Regulation in the Court of the Recorder of Bombay, the said Rule and Ordinance, consisting of the Articles hereinafter stated, shall have the full force of law within this island, and shall be strictly obeyed as such by all his Majesty's subjects, and other persons inhabiting or residing, or being in the same.

ARTICLE I.—Captains of the Honourable Company's Ships, as well as all commanders of licensed and country ships or vessels arriving at the Port of Bombay, are hereby directed to report, themselves in person, at the superintendent's office, on landing from their respective ships, to produce the ship's log-book, and authority for receiving all passengers or persons on board, in his Majesty's and in the Honourable Company's service, and all others who may not be part of their crew. The log-book will be returned without any unnecessary delay. No merchant ship or vessel will be admitted to entry at the Custom-house without a certificate from the superintendent of marine that the provisions of this Article have been complied with.

Captains of ships to report arrival, to the superintendent of marine, to produce ship's log, and authority for passengers;

and which neglecting, the ship not admitted to entry.

ART. II.—Captains of the Honourable Company's ships, as well as all commanders of licensed and country merchant ships and vessels, shall on their arrival, deliver to the inspector of the port a list of the crew and passengers on board at the time of the ship's arrival; another list is to be delivered to the same officer, of all the persons on board at the departure of the said ship, and the said list is to show all the casualties that have occurred (by deaths, desertions, discharges or new shipments) while the said vessel remained in harbour. A port clearance shall not be countersigned by the superintendent of the marine, unless it be accompanied by the departing list, corrected in the manner required by this Article.

To deliver a list of crew and passengers to the inspector of the port, on arrival, and list of casualties at departure.

On failure, port clearance refused.

ART. III.—Before any European seaman, or other European or American is discharged from any ship in the harbour to the shore, previous notice shall be given to the senior magistrate of police, when such European or American is to be sent to the Police Office for registry; and in all cases of desertion, immediate notice thereof is to be given to the senior magistrate of police, with the name and particular description of the person or persons deserting, in order that he or they may be apprehended, and returned to their ships; on the apprehension of such deserter, a reward of rupees eight will be given, to be charged against the ship to which he may belong, to be paid to the person or persons by whom such service shall have been performed.

Notice to be given to the senior police magistrate of the discharge of seamen, for registry; and in case of desertion, for apprehension;

and a reward granted, chargeable on the ship.

Commanders or others, who shall discharge any European seamen, or European or American from on board their ships, or shall suffer any European or American to be so discharged, without giving previous notice to the senior magistrate of police, or shall wilfully suffer any such persons to desert, without giving immediate notice thereof to the senior magistrate of police, in manner and form as required by the above Article, shall for the first offence, be fined five hundred rupees, and for the second and each succeeding offence, be fined one thousand rupees.

Penalty for non-compliance.

ART. IV.—No European seaman or other person (being an European or American) is to be received or entertained on board any ship or vessel in the harbour from the shore, without permission in writing from the superintendent, if he be a seaman, or the town major if he be a soldier. Commanders, or others who shall be guilty of a breach of this article, and shall entertain Europeans on board their ships, who may prove to be deserters from His Majesty's or the Honourable Company's naval, military or marine services, shall for the first offence be fined five hundred rupees, and for the second and each succeeding offence, be fined one thousand rupees.

Permission of the superintendent if a seaman, and of the town major if a soldier, necessary before receiving any person on board.

Penalty for neglect.

ART. V.—No ballast of any description is to be thrown overboard from any ship or vessel within the harbour. Any commander or officer against whom a breach of this prohibition shall be proved, shall for the first offence be fined six hundred rupees, and for the second one thousand rupees, and the like sum for all succeeding breaches of this Regulation. A reward of ten rupees will be paid to any person who shall be able to establish a breach of this prohibition.

Ballast not to be thrown overboard.

Penalty.

Reward for information.

ART. VI.—No merchant ship or vessel shall sail out of this harbour without a port clearance. Commanders and others offending against this Regulation, will be considered as having forfeited their licenses, and shall be treated accordingly.

No merchant ships to sail without a port clearance, on pain of forfeiting their license.

Ships in dock not to land lumber without permission; and it is to be removed previous to leaving dock.

Natives unemployed in the dock yard not admitted there.

Penalties under this Regulation to be sued for in the Court of Recorder or Court of Requests.

ART. VII.—The ships and vessels in the dock are not to land any lumber whatever on the dock piers, without the permission of the Superintendent, and care is to be taken to remove all such lumber, and clean the place in which it may have been deposited, before the vessel goes out of dock. In the event of any dirt or lumber being left on the dock piers, when a ship is going out of dock, the same will be removed, and the expense thereof charged to the ship.

ART. VIII.—No native of any description, not engaged in the service of the dock yard, or of His Majesty, or the Honourable Company's ships and vessels, or concerned in the ships under repair, shall be admitted into the dock yard. Natives found in the dock yard, contrary to this Regulation, and who shall not leave the place immediately on notice being given to them by the orders or authority of the superintendent of marine, or master attendant, to quit the same, shall be punished by the petty sessions.

ART. IX.—All breaches of this Rule, Ordinance and Regulation, and all fines, penalties, forfeitures, debts and sums of money incurred or due, under and by virtue thereof, unless where otherwise provided for, shall be prosecuted and sued for in the Court of the Recorder; provided always, that in case the amount of such fine, penalty, forfeiture, debt and sum of money shall not exceed the sum of rupees eighty, it shall be sued for in the Court of Requests.

2.

P A P E R S

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1821.

(Presented in pursuance of Act 53 Geo. III. c. 155, sec. 66.)

Ordered, by The House of Commons, to be Printed,
5 August 1822.

PAPERS RELATING TO

10

REGULATIONS Passed by the Governments of India in the Year 1821:—
Presented to the Honourable the House of Commons, in pursuance of an Act
of Parliament of the 53 Geo. III. c. 155, sec. 66;—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1821;

N° I. to V. and one Rule, Ordinance and Regulation.

Regulation.

I.—For the appointment of a special Commission in the Ceded and Conquered Provinces, for the investigation and decision of certain claims to recover possession of land illegally or wrongfully disposed of by public sale, or lost through private transfers effected by undue influence; and for the correction of the errors or omissions of the proceedings adopted by the revenue officers, in regard to the record and recognition of proprietary rights, and the ascertainment of the tenures, interests and privileges of the agricultural community:—

Passed on the 13th of January 1821 - - p. 5

II.—For increasing the powers of Moonsiffs for extending in special cases the powers of Sudder Ameens in the trial and decision of civil suits, and for authorizing the Zillah and City Registers, and Sudder Ameens, to discharge certain additional duties under the direction of the Zillah and City Judges; for providing for an increase in the number of Moonsiffs when necessary; and for authorizing Sudder Ameens to hold their cutcherries at any place where there may be a Register holding his court at a distance from the fixed station of the Judge and Magistrate; also for amending the rules at present in force for the institution of suits connected with the local jurisdiction of such Registers, for rescinding such parts of the existing Regulations as authorize the Registers of Civil Courts to receive a proportion of the institution fees on suits which may be referred to them for decision; for altering in certain cases the rule at present in force for the execution of decrees of the Provincial Courts in original suits, and of the decrees of the Court of Sudder Dewanny Adawlut on appeals from such decrees, and for abolishing the office of Register of the Provincial Courts of Appeal and Circuit:—

Passed on the 19th of January 1821 - - p. 13

III.—For extending in special cases the powers of Assistants to the Magistrates; for empowering the Hindoo and Mahomedan Law Officers of the Zillah and City Courts and Sudder Ameens to try and determine petty thefts, and other criminal cases of a trivial nature, when referred to them by a Magistrate; for limiting the period of appeal in foudary cases; for rescinding parts of Section XII. and Section XVII. Regulation XXII. 1816; for modifying some of the rules in force relative to the rate and collection of the assessment levied for the the maintenance of Chowkeedars of Police; and for vesting the Magistrates with certain powers in regard to persons travelling through, or assembling within their jurisdictions, under suspicious circumstances:—

Passed on the 19th of January 1821 - - p. 17

IV.—For authorizing a Collector of Land Revenue, or other Officer employed in the management or superintendence of any branch of the territorial revenues, to exercise in certain cases the powers of Magistrate or Joint Magistrate, and for authorizing a Magistrate or Joint Magistrate, or Assistant to a Magistrate to exercise in certain cases, the powers of a Collector of Land Revenue, or of any other Officer employed in the management or superintendence of any branch of the territorial revenues; also, for explaining the duties of an Assistant to a Collector of Revenue, and for defining the duties and powers vested in Assistant Collectors or other Officers appointed to the charge of the revenues of Pergunnahs or other local divisions, or employed in the performance of any portion of the functions ordinarily belonging to Collectors of Land Revenue:—

Passed on the 19th January 1821 - - p. 20

V.—For settling the rates at which Benares and Furruckabad rupees shall be received in payment of the revenue of Malgoozars, whose engagements are expressed in Gohurshahee or Tirsoolee rupees:—

Passed on the 23d November 1821 - - p. 22

II.—By the Governor in Council of FORT ST. GEORGE, in the Year 1821;

N° I. to VI.

Regulation.

I.—For empowering the Governor in Council, by an Order in Council, to establish and abolish Provincial and Zillah Courts, to extend and contract the jurisdiction of the same, and to alter the stations at which they are held, and the order of succession in the jail deliveries of the several zillahs, in the territories which are or may be subject to this Presidency:—

Passed on the 23d of January 1821 - - - p. 25

II.—For extending the jurisdiction of the Registers, Sudder Ameens, and District Moonsiffs, and for the more effectual checking of abuses by district Moonsiffs:—

Passed on the 13th April 1821 - - - p. 26

III.—For determining the rate of duty on opium, exported or imported by land, to or from any of the foreign European settlements adjoining the territories subject to the Presidency of Fort St. George:—

Passed on the 15th June 1821 - - - p. 27

IV.—For giving greater efficiency to the system of police established in the provinces subordinate to the Presidency of Fort St. George:—

Passed on the 15th June 1821 - - - ibid.

V.—For authorizing Collectors to rent out the levy of the inland duties, in the districts under their management; for rescinding Regulation XIV. of 1809; and for modifying some of the Rules of Regulation I. of 1812:—

Passed on the 29th June 1821 - - - p. 29

VI.—For the better order and discipline of Military Bazzars, and for the prevention of drunkenness among soldiers, and for rescinding Regulation VI. of 1809, and Regulation III. of 1810:—

Passed on the 28th August 1821 - - - p. 30

III.—By the Governor in Council of BOMBAY, in the Year 1821;

N° I. to IV. and one Rule, Ordinance and Regulation.

Regulation.

I.—To explain Regulation V. of 1820; and to empower the Court of Sudder Adawlut, constituted by such last mentioned Regulation, to hear and determine appeals from judgments and determinations by the late Court of Appeal, which had been preferred to, or were pending in the former Court of Sudder Adawlut at the time of passing the said enactment:—

Passed on the 2d of May 1821 - - - p. 37

II.—For amending Regulation X. of 1813, for the conduct of the trade with foreign nations at the ports and settlements of the British nation under the Presidency of Bombay:—

Passed on the 23d of May 1821 - - - p. 38

III.—For rescinding Section XI. and XV., Regulation IX. 1816, and for making other provisions for the trial of persons charged with capital offences, committed within the fort and district of Anjar and their dependencies:—

Passed on the 6th June 1821 - - - ibid.

IV.—Directing holders of land, subject to quit and ground rents in the Island of Bombay, to give notice of the sales or transfers of such properties to the Collectors of that Island, within a certain period:—

Passed on the 1st of August 1821 - - - p. 39

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*,
in the Year 1821.—N^o I. to V.

A. D. 1821. REGULATION I.

A REGULATION for the appointment of a Special Commission in the Ceded and Conquered Provinces, for the investigation and decision of certain claims to recover possession of land illegally or wrongfully disposed of by public sale; or lost through private transfers effected by undue influence; and for the correction of the errors, or omissions of the proceedings adopted by the revenue officers in regard to the record and recognition of proprietary rights, and the ascertainment of the tenures, interests and privileges of the agricultural community:—Passed by the Governor General in Council, on the 13th of January 1821; corresponding with the 2d Maug 1227 Bengal era; the 25th Poose 1228 Fussily; the 3d Maugⁿ 1228 Willaity; the 10th Poose 1877 Sumbut; and the 8th Rubbi-us-Sanee 1236 Higeree.

IT has appeared that in the first seven or eight years after the acquisition of the Preamble.
ceded provinces by the British Government, the native officers of Government, their relations, connections and dependents, taking advantage of the novelty of the British rule, of the weakness and ignorance of the people, and (in some cases) of the culpable supineness and misconduct of the European functionaries under whose authority they were employed, contrived by fraudulent and iniquitous practices to acquire very extensive estates in several of the provinces in question, more especially in the districts of Allahabad, Cawnpore and Goruckpore, thus wrongfully depriving of their just rights a great number of the ancient land owners, and reducing them and their numerous dependents to ruin and misery. These abuses have been chiefly practised through the perversion, to the purposes of chicanery and fraud, of the rules enacted for the collection of the Government revenue, more especially the provisions relating to the public sale of land for arrears. Under cover of these rules, but contrary to the true intent and meaning of the law, by which (though a considerable discretion was left to the revenue authorities) the measure of a public sale was principally designed for cases of embezzlement, contumacy or fraud, many estates were sold, from which no balance (or a very trifling balance) was due, or on which the arrear accrued without any embezzlement or wilful default on the part of the sudder malgoozar, and others were disposed of without an observance of the prescribed forms. In several instances too a recourse was had to the measure of a public sale without any proper ascertainment of the liability of the proprietors, or the fact of their being under direct engagements to Government. Thus some estates would appear to have been brought to sale for arrears, although the parties responsible to Government for the revenue held only a very limited interest in the mehal sold, or were persons possessing no fixed right of property therein, who had been recorded as proprietors and admitted to engagements on the faith of fraudulent and abusive statements; and some appear to have been sold of which the tehsildars had themselves retained the immediate management, the ostensible malgoozars being creatures of their own, or names purely fictitious being entered on the records. Under such circumstances sales were often effected through the misrepresentations of the tehsildars, made in collusion with the recorded malgoozars, for the purpose of acquiring for one or other of the parties an ostensible title to the property by purchase at public sale. In like manner there is reason to believe that persons erroneously recorded as the sole proprietors

proprietors of mehals, in which they possessed either no fixed property or a very limited interest, have in several instances been induced fraudulently to execute deeds of sale in favour of public officers of Government, their relations or dependents, purporting to convey the exclusive property of the lands comprised in the mehal for which they were under engagements, and that on the faith of such deeds the purchasers have been recorded as the sole proprietors thereof. In almost all these cases, the purchasers, whether by public or private sale, taking an illicit advantage of the ignorance of the village occupants, and of their unacquaintance with the regulations and the forms of judicial practice, have effected an extensive usurpation of private rights and the consequent annihilation of institutions by which the village communities have immemorially been regulated. There is reason to believe that the same evils have very generally occurred in all cases of sale for the recovery of arrears, even where the transfers of the estate held by the alleged defaulter was legal and valid; the purchasers having usually claimed to possess the whole of the lands comprised in the mehal sold, without being subject to any of the restrictions and conditions arising out of private rights, which attached to the estate of the defaulter, and having frequently succeeded in establishing such claims to an extent not warranted by law. Thus in almost every mehal sold in liquidation of arrears of revenue, many village zemindars, putteedars and other proprietors, though in no degree parties to the engagement of the defaulting malgoozar, and holding under tenures of such a nature as not to be effected by the sale of the estate possessed by such defaulter, further than that by such sale the obligations of the under tenants towards the defaulter are transferred to the purchaser, have been deprived of their just rights, and either ousted from the lands or reduced to the condition of tenants at will. There is further reason to believe, that independently of cases of abusive alienation, the village maliks and others have in many cases sustained serious injury, through the insufficiency of the inquiries instituted by the revenue officers, in regard to the tenures under which land and the rights connected with land are held, and from the errors and defects of the public records relating to such matters; that in consequence of such errors and defects many persons justly entitled to engage in chief for the revenue of the lands occupied by them, have been excluded from engagements in favour of persons erroneously recorded as proprietors, and that the real nature and extent of the interests actually possessed by different individuals and classes being ill ascertained and defined, great facilities have been afforded to chicanery and fraud, which have led, and are likely still further to lead, to consequences greatly injurious to individuals, and seriously affecting the peace and good order of the country. The persons who have suffered by the aforesaid abuses are for the most part poor and ignorant men, unaccustomed under the former government to any regular system of law, little acquainted with the principles of the British code, or the regular forms of British judicial proceedings, incapable of availing themselves of the protection it was designed to afford, and possessing not the means of securing the aid of individuals better informed; while those opposed to them are for the most part men of wealth and power, who acquired their possessions through the influence of official station, and by an abusive exercise of the authority vested in them as officers of government, who are well acquainted with all the forms of law as administered in our courts, and who possess ample means of securing the retainers of the Adawlut in their service; these indeed are themselves generally supposed to be much interested in maintaining the sales in question, and in supporting all the claims of the purchasers and the sudder malgoozars. Moreover, in all suits brought to annul sales made for the recovery of arrears of revenue, the collector on the part of Government must, under the existing code, be made one of the defendants in the case along with the purchaser, and various other forms must be observed, which are likely to defeat the just claims of the ousted proprietors; the prosecution too in ordinary course of regular suits in the Adawlut necessarily involves considerable delay and expense; requiring, besides a long attendance at the Court, the payment of various fees, the employment of vakeels and other expenses, which would alone operate greatly to prevent the complainants in question from seeking redress in that manner, even if the cases were such as to admit of easy decision by the regular tribunals; but the investigation of the abusive alienations and usurpations in question, will apparently require a thorough research into voluminous and complicated revenue accounts, minute local inquiries, and a free and constant communication with the parties concerned, and with the local officers; and an active inquiry into all the circumstances of the transactions, without reference to the mere points stated by the plaintiffs, such as the

the constitution of the established courts would not admit of their pursuing; besides, the existing regulations do not vest the civil courts with so extensive a discretion in the adjustment of doubtful claims, and in the relief of parties suffering hardships, as the cases in question appear to demand; further, the regulations applicable to the provinces in question, having been necessarily founded on incomplete information, are in many respects defective, so that several points requiring a distinct declaration of the views and intentions of the legislature, relative to the privileges designed to be vested by a settlement in the sudder malgozar, or conveyed to the purchaser by a public sale, as well as in regard to the extent of the authority vested in the revenue officers in deciding on the mode in which the public revenue is to be managed or collected, still remain to be settled, and cannot yet be settled by a general legislative enactment, without risk of error. The proceedings of the established courts must necessarily partake of any defects belonging to the law, which it is their duty to administer, and it would be obviously inconsistent with every sound principle to grant a general discretion to those courts to deviate from the law on individual views of expediency or justice. The established courts consequently are not so constituted as to provide an adequate remedy for the evils above specified, which can be completely corrected only by a tribunal exercising a larger discretion, and acting in more immediate communication with the Government than could with propriety be allowed in the case of the courts established for the general administration of civil justice. Even too if these courts were so constituted as adequately to provide for the trial and decision of the cases in question, yet the duty could not be completed by them for a long period of time, without an entire interruption of their ordinary functions; while the parties injured are equally incapable of supporting the expense of a protracted litigation in the Adawlut, and of defending themselves in that course of proceeding against the arts and intrigues of their powerful adversaries. In consideration of the above circumstances, it has appeared to the Governor General in Council to be essentially necessary to the ends of justice, that a special Commission, with large discretionary powers, and with full authority to regulate its proceedings according to the exigences of the cases brought before it, should be constituted for the purpose of investigating the cases above described, of restoring to their just rights the zemindars and other proprietors who have been wrongfully dispossessed, of defining and fixing the real nature and extent of the interests and title conveyed to the purchasers in cases in which sales may be upheld, of restoring proprietors whose estates may, in consequence of the errors in the administration above noticed, have been transferred to another on account of a trifling balance or for a trifling consideration, making due compensation to the present possessors, of granting redress to persons who may have lost the possession or management of their estates without just cause, under the operation of a public sale or through any act of a revenue officer, or who may have been wrongfully excluded from engagements with Government, and of making an equitable adjustment of doubtful claims, including the relinquishment upon due compensation of rights acquired or held under the strict operation of the law, by means inconsistent with equity and justice, or involving excessive hardship to the sufferers. The following Rules have accordingly been enacted, to be in force from the period of their promulgation.

II. A special Commission, consisting of one or more members, as the Governor General in Council may determine, shall be constituted for the purposes described in the preamble to this Regulation, to be denominated the Mofussil Special Commission, acting under the provisions of Regulation I. 1821.

A special Commission to be constituted for the purposes described in the Preamble to this Regulation.

III. *First.*—The said Commission shall receive, investigate and determine all claims to recover possession of land, lying within such limits as the Governor General in Council may from time to time appoint, which may have been lost through public sales made in liquidation of arrears of revenue, or through private transfers, such sales and transfers having been effected by the undue influence of a public officer, from the period of the cession or conquest (according as the lands may be situate within the ceded or within the conquered provinces) and the expiration of the Fuslee year 1217, corresponding with the 13th September 1810.

Specification of the claims cognizable by the Commission.

Second.—In cases of estates disposed of by a public sale for arrears of revenue, if it shall appear to the Commission, after due inquiry made in the manner herein-after specified, that no part of the balance for which the sale may have been

In what cases sales of estates by public auction may be annulled.

advertised, or the interest payable thereon was due at the time of the mehal being sold, *i. e.* the lot being knocked down, or that the amount so due was inconsiderable, or that the amount due was not regularly demanded, or that the arrear did not originate in any fault or neglect of the defaulter, or that the defaulter had not sufficient opportunity of payment given to him before the sale, or that sufficient authority for the sale was not received from Government, or the Board, as the case may be, or that regular notice of the intended sale was not given to the proprietors and to the community, or that the sale was not made according to the regulations at the time and place advertised, and with due publicity and full freedom, or that the purchaser was an officer on the collector's establishment, or in any way employed in the collection of the public revenue within the district, or in the private service of the collector, or the surety of such officer, or a relation dependent, or connection of such officer or surety, or that the estate was purchased in a fictitious name, or that the price paid was greatly inadequate, or generally that the sale was oppressive and produced by undue influence, or that an undue advantage was in any respect taken of the ignorance of the persons whose estate may have been sold, in all and each of these cases it shall and may be lawful for the aforesaid Commission to pass judgment, annulling the sale, and directing the restoration of the original proprietors, or such of them as may have lost possession under the operation of the sale, or of their representatives.

In what cases private transfers of estates may be annulled.

Third.—It shall likewise be competent to the Commission to annul private transfers, whether effected by sale, gift, renunciation, or whatever mode of conveyance, in cases in which they shall see reasonable ground for believing that the purchase or acquisition was effected by violence, extortion or oppression, or by undue influence of any officer of Government, in whatever department in the district within which the land transferred may be situated, or of the surety of such officer, or of any relation, connection or dependent of such officer or surety, or that any fraud was practised by the purchaser, or undue advantage taken by him of the ignorance or fears of the seller.

In what cases of limited or conditional assignments of lands the assigner may be restored to possession.

Fourth.—It will further be competent to the Commission in cases of mortgage, trust, or other limited or conditional assignment, to restore the assigner to his lands, on any of the grounds specified above, as reasons for annulling private transfers, or on proof that the period of the assignment has expired, or that it is otherwise justly redeemable, or that the original consideration for which it was made is greatly inadequate, compared with the advantage derived by the assignee.

In what cases the special Commission may investigate and determine the rights and interests of which individuals may have been deprived in any mehal by the sale, transfer or assignment of the interests of the sudder malgoozar of such mehal.

Fifth.—The Commission aforesaid shall further be competent to receive, investigate and determine all claims for the recovery of lands belonging to a mehal, the interests of the sudder malgoozar of which may have been disposed of by public sale, or by private transfer or assignment, within the period specified in the first clause of this Section, or for the recovery of any interest in such lands, or the rent or produce thereof; and if it shall appear that the claimant was in possession of the property claimed by him at the time of the said sale or transfer, and that the said sale or transfer was invalid, or that though valid, it did not legally divest the claimant of the rights and interests possessed by him at the period aforesaid, and that he has not subsequently been divested of those rights and interests in a legal manner, that is to say, by some judicial award, or some voluntary act of the party involving the transfer, renunciation or relinquishment of his rights and interests, or that it would involve excessive hardship to the party, or be inconsistent with equity and justice, to maintain the award or act by which he may have been divested of the rights and interests possessed by him as above, then and in that case it shall and may be lawful for the Commission to adjudge the claimant to be restored to the lands or other property claimed by him, or to any portion thereof to which he may appear to be entitled, and to define and declare the conditions on which he is to hold such lands or property.

Special Commission further empowered to investigate claims for the recovery of land or rights connected with land, the possession of which may have been lost without just cause in consequence of the acts or proceedings of revenue officers.

Sixth.—It shall likewise be competent to the Commission to receive, investigate and determine all claims for the recovery of lands, or rights connected with land, the possession of which may have been lost, without just cause, through or in immediate consequence of any act done, or record prepared, filed or authenticated by a revenue officer, within the period above specified, and to restore the claimants to the possession of any lands or rights connected with lands which they may have lost in the manner aforesaid. It shall also be competent to the Commission to receive, investigate and determine all claims to be admitted to engage in chief with Government,

Government, which may be preferred by persons aggrieved by any act done, or proceeding held by a revenue officer, within the aforesaid period, relative to the recognition of proprietary rights, and the admission of parties to engagements with Government; and if it shall appear that the decision of the revenue authorities in regard to the recognition of a proprietary title to any mehal or portion of a mehal, or the selection of the party admitted to engage was erroneous or improper, it shall be competent to the Commission to reverse or modify the orders passed by the revenue authorities, and to restore to the management of the mehal any person or persons who may appear best entitled to engage directly with Government.

Seventh.—On adjudging the restoration of any person to the possession or management of the lands claimed by him, the Commission will invariably declare, as distinctly as possible, the nature and extent of the interests vested in such claimant, with a view to the restoration and future security of subordinate tenures; and in all cases in which the Commission may investigate and determine claims to land, or rights connected with land, under the rules contained in the preceding Sections, it shall and may be lawful for them to cause the names of all persons found in the *bona fide* possession of the land in dispute, or of land included in the same mehal with the lands in dispute, or enjoying the rents or produce thereof, under a title of hereditary property, to be entered on the public records, and to define and declare the extent of the interest, and the conditions of the tenures possessed by such proprietor, as far as the same may be duly ascertained, and similarly to declare the nature and extent of the tenures and interests of all persons occupying the land in dispute, or lands belonging to the same mehal.

In cases adjudged by the special Commission, the interests vested in the claimants to be distinctly defined.

As well as the interests of individuals in possession of the land in dispute, or of land included in the same mehal.

Eighth.—The operation of the foregoing clauses shall not be confined to cases in which lands or rights connected with land sold, transferred, alienated or usurped, as above, may be held by the person originally benefiting by the sale, transfer, alienation or usurpation, but shall equally extend to those in which the said lands or rights may be held under a title derived from such person: Provided of course, that in cases in which it may appear that the person so holding under a derivative title was in no degree concerned in or cognizant of the original wrong; the claims of such person to compensation for any loss he may sustain under the operation of the present Regulation, shall be held entitled to a very liberal consideration.

The operation of the foregoing clauses extended to persons holding under a title derived from the person originally benefiting by the sale or transfer.

Provido.

IV. *First.*—In all cases whatsoever of the description specified in the preceding Section in which it may appear to it to be clearly equitable to afford the claimant relief, though not entitled to a remedy under the existing law, or in which the points at issue may be doubtful, and the means of arriving at a satisfactory conclusion may not exist, it shall be competent to the Commission to interpose its authority, to induce the parties to compromise their contested claims, or such interposition failing, to make such award relative to the rights and interests of the parties, as equity and good conscience shall appear to them, upon full consideration of all circumstances, to warrant and require.

In what cases the Commission are to endeavour to effect a compromise between parties.

Second.—In cases in which the Commission may deprive any person of rights legally vested in him, under the existing code, or may make award upon doubtful claims, or in which the title of any person, though invalid, may have been acquired by him *bona fide* under an express or implied assurance of its validity on the part of the Board, the collector or judge of the district, it shall be competent to the Commission to adjudge compensation in money from the treasury of Government: Provided, however, that in cases in which the compensation assigned to any individual shall exceed the sum of rupees one thousand, the sanction of Government shall be necessary to authorize the disbursement.

Compensation to be awarded by the Commission in what cases.

Provido.

V. *First.*—The Commission shall be competent to take cognizance of cases of the nature above described, relating to lands within the districts or portions of districts to which its jurisdiction may extend, although the same may have been finally decided in the courts of judicature, and likewise to recal all such cases relating to such lands as may now be pending, or may hereafter be instituted in the said courts, either on the application of the parties or of its own motion; and the said courts shall, on application of the Commission, transmit to it all the proceedings and papers relating to suits so removed.

The jurisdiction of the Commission extended to cases already decided by the courts of justice, or depending before them.

Second.—The jurisdiction of the Commission shall extend to such districts or portions of districts, and for such periods as the Governor General in Council may from time to time direct: notice of the orders of Government vesting the Com-

Local jurisdiction of the Commission to be from time to time fixed by the Governor General in Council, and notice of the same how to be given.

mission with local jurisdiction, or withdrawing jurisdiction given, to be published by proclamation within the several pergunnahs to which they may relate, and to be communicated through the Sudder Dewanny Adawlut to the provincial and zillah courts concerned.

Courts of justice how to proceed in suits before them which may be cognizable by the Commission.

Third.—Whenever any of the said courts shall be apprized in the manner aforesaid, of the appointment of the Commission to exercise the aforesaid powers within any zillah or other local division, they shall forthwith stay all proceedings in cases of the description above specified, and shall not proceed to the investigation or decision of any such case, until they shall either receive intimation from the Commission, that it is not its intention to take cognizance of it, or until they shall be apprized by Government that the local jurisdiction of the Commission has ceased.

Commission and fees in such suits how to be disposed of.

Fourth.—When any suit may be removed by the Commission from the court in which it may be pending, the price of the stamped paper used for the plaint or petition of appeal, in lieu of the fee payable by the plaintiff or appellant on the institution of the suit or appeal, shall be returned to the party by whom the amount may have been disbursed; and the Commission, on deciding the suits, shall determine the amount of remuneration to be assigned to the vakeels who may have been employed by the parties in conducting the suit; and any sums which may have been received by the treasurer of the court, on account of the vakeel's fees, shall be kept in deposit until the determination of the Commission shall be made known to the court, which shall and may pay the amount awarded by the Commission to the vakeels, out of sums deposited by the parties employing them.

Form and nature of the proceedings, before the Commission how to be regulated.

VI. *First.*—The Commission shall determine, subject to the orders of Government, or of such other authority as the Governor General in Council may direct, its own form of proceeding, the nature of the pleadings, the mode in which they are to be conducted, the paper (stamped or unstamped) to be used, the fees to be levied, and generally, the rules of practice to be followed.

Processes of the Commission how to be issued and enforced.

Second.—All processes issued by the Commission shall be enforced in the same manner and under the same penalties for disobedience or resistance as processes of zillah courts; and all powers possessed by the zillah courts, in regard to contempt, the summoning and examination of witnesses, and the administration of oaths, shall be vested in the Commission, from whose order in regard to such matters, no appeal shall lie, except to the Sudder Commission hereinafter mentioned.

Decisions of the Commission how to be executed.

Third.—The Commission shall be competent either to execute its own decisions with the same powers and authority as are vested in the zillah courts, or to require the zillah courts to give effect to such decisions, in like manner as they are required to execute the decrees passed by the provincial courts, or the Sudder Dewanny Adawlut.

Native officers attached to the Commission subject to what rules.

Fourth.—The several rules and provisions contained in the existing Regulations relative to the native officers belonging to the zillah courts, shall be applicable to the native officers attached to the said Commission, except in cases in which the said Commission may, with the sanction of the Sudder Commission hereinafter mentioned, or of the Governor General in Council, otherwise specially direct.

Persons guilty of perjury or subornation of perjury to be punishable under the Regulations.

Fifth.—Any person giving a false deposition, whether upon oath or huluf namah, relative to any suit or matter depending before the Commission, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the Regulations; and any person causing or procuring another person to commit the offence of perjury as above described, shall be held to be guilty of subornation or perjury, and punishable under the provisions of the aforesaid Regulations.

And may be committed by order of the Commission for trial before the courts of circuit.

Sixth.—The Commission shall be competent to commit persons guilty of the said offences for trial, before the court of circuit; and any magistrate receiving a roobukaree from the Commission, containing an order for the commitment of such offenders, shall proceed to give it effect, in like manner as if the commitment were made by himself.

Courts and collectors to give their aid to the Commission.

VII. It shall be the duty of the courts and of the collectors to afford the Commission every aid and information that it may require, to serve all processes issued by

by the Commission, which that authority may desire to have served by them, in like manner as if they were issued by themselves, to prepare and transmit to the Commission such lists of the cases decided by or pending before them as the Commission may see occasion to call for, and to furnish all papers and documents which the Commission may wish to examine.

VIII. If any doubt shall arise in regard to the course of proceeding to be followed by the established courts, relatively to any suit or other matter of the nature of those cognizable by the aforesaid Commission, or on any point connected therewith, it shall and may be lawful for the Sudder Dewanny Adawlut to determine the question, subject to the final orders of the Governor General in Council, to whom the Sudder Dewanny Adawlut shall report the circumstances of any cases of that nature that may arise.

If cases of doubt arise between the courts and the Commission, the Sudder Dewanny Adawlut to decide, subject to the final orders of Government.

IX. The Commission shall and may exercise within the sphere of their jurisdiction, the same powers and authority over canoongoes, putwarries and other mofussil officers of account, as the collectors and courts are now authorized to exercise.

Powers of the Commission over canoongoes and mofussil officers of account.

X. *First.*—A Commission to be denominated the Sudder or Chief Special Commission acting under the provisions of Regulation I. 1821, shall be constituted for the purpose of superintending the proceedings of the aforesaid Mofussil Commission, and for reviewing the decisions passed by it.

Sudder Commission to be constituted.

Second.—The Sudder Commission shall consist of two or more such officers as the Governor General in Council may from time to time appoint, and shall, besides the powers exclusively belonging to them, possess and exercise all the powers and authority vested in the Mofussil Commission. The Mofussil Commission shall be guided by the instructions and orders of the Sudder Commission, in like manner as the courts of appeal and zillah courts are guided by the directions of the Sudder Dewanny Adawlut; and the said Sudder Commission shall further have the power of issuing special instructions to the Mofussil Commission, in regard to the investigation of cases pending before the latter, whenever from the representation of the parties or otherwise they may consider such a measure to be expedient or proper.

Powers and functions of Sudder Commission.

Third.—All decisions passed by the Mofussil Commission shall be reported to the Sudder Commission, in such manner and form as the latter may direct, or as the Governor General in Council may prescribe, and it shall be competent to the Sudder Commission, in considering the reports so furnished, to call for the proceedings held by the Mofussil Commission in any case, and to revise, modify, or annul any order or decision which the Mofussil Commission may have passed or made.

All decisions of Mofussil Commission to be reported to the Sudder Commission, and the latter empowered to revise, modify or annul such decisions.

Fourth.—In cases in which either of the parties may be dissatisfied with the decision passed by the Mofussil Commission, and may desire to appeal to the Sudder Commission, the whole of the proceedings held by the former shall be certified to the latter, who will call for such further information and direct such further proceedings to be held, as they may judge necessary or proper. In such cases it shall rest with the Mofussil Commission to determine, subject to any orders which they may receive from the Sudder Commission, whether they shall carry their decision into immediate effect, or await the result of the reference to the superior tribunal.

Parties dissatisfied with decisions of Mofussil Commission may appeal to the Sudder Commission.

Fifth.—In cases in which the members of the Mofussil Commission, when consisting of two or more members, may not agree in opinion as to the decision or award to be passed or made in any case, they shall certify to the Sudder Commission the whole of the proceedings held by them, each member at the same time separately recording his judgment and the grounds of it; and similarly when any difference of opinion shall occur in regard to the determination of any matter connected with or belonging to any case pending before or decided by the said Commission, a reference shall be made to the Sudder Commission, and the Mofussil Commission shall be guided by the directions which it may receive from the said Sudder Commission.

In cases of a difference of opinion between the members of the Mofussil Commission, a reference to be made to the Sudder Commission.

Sixth.—It shall likewise be the duty of the Mofussil Commission to certify to the Sudder Commission any cases of peculiar importance and difficulty in which it may be desirous of obtaining a decision by the superior tribunal; but in all such cases the Mofussil Commission shall in the first instance record their own opinion

Cases of peculiar importance to be certified to the Sudder Commission.

on the merits of the case, and distinctly declare the judgment which they may think ought to be passed.

Who will in such cases proceed in the same manner as in cases regularly brought before them in appeal.

Seventh.—In cases certified to the Sudder Commission, under the provisions contained in the two preceding clauses, the Sudder Commission shall proceed in the same manner as in cases brought regularly in appeal before them; but no decision or award shall be passed or made in such cases by the Mofussil Commission, unless under instructions in that behalf from the Sudder Commission.

Provision for cases in which the Sudder Commission may not agree in opinion and the number of voices on each side may be equal.

Eighth.—If in any case the members of the Sudder Commission shall not agree in opinion as to the decision, award or order to be passed or made, and the voices on each side shall be equal, the Commission shall suspend its decision, and report the circumstance to Government, and it shall in such cases be competent to the Governor General in Council to appoint one or more temporary members of the Commission for the determination of the question in dispute. Where a majority of the Commission shall concur in one opinion, the decree, award or order shall be made according to the resolution of such majority, and shall have the same force and effect as if made by all the members conjointly.

In what cases the decision of the Mofussil Commission to be final.

XI. First.—The decisions of the Mofussil Commission, unless revised and altered by the Sudder Commission under the rule contained in the third clause of the preceding Section, or appealed to the Sudder Commission within the period of six months from the time of its being passed, or such further period as may be fixed by that authority, subject to the orders of the Governor General in Council, shall be final.

In what cases an appeal to be admitted from the decisions of the Sudder Commission to His Majesty in Council.

Second.—In cases which, if decided by the Sudder Dewanny Adawlut would be appealable to His Majesty the King in Council, a similar appeal will lie from the decisions or awards of the Sudder Commission, and the same rules and regulations as are or may be applicable to all appeals from the aforesaid court, shall be applicable to all appeals from the decisions or awards of the said Commission: Provided however that all decisions passed, or awards made by the Sudder Commission shall be immediately executed and enforced, notwithstanding the institution of such an appeal. All decisions and awards passed by the Sudder Commission shall be final, unless regularly appealed to His Majesty in Council.

Proviso.

Questions connected with the jurisdiction of the Commissions how to be determined.

Third.—The said Commissions, and each of them, shall, in all cases received or investigated by them respectively, be competent to determine all pleas or questions touching their jurisdiction, in the same manner, and with the same powers, as they are or may be authorized to determine on the merits of cases of which the cognizance is expressly vested in them, any thing in the existing Regulations to the contrary notwithstanding; and no exception shall be taken to any decision or award passed or made by the said Commissions, or either of them, on the ground that the case in or concerning which such decision or award may have been passed or made, was not regularly within the cognizance of the Commission by which it was passed or made, or on any plea or pretext whatsoever, saving and except by the Sudder Commission, in cases appealed or certified to it from the Mofussil Commission, or by His Majesty the King in Council in cases appealable to that authority; nor shall any court of judicature interrupt or stay any proceeding of the said Commissions, or either of them, in any cases received, investigated, or determined by them respectively.

Courts of justice not to interrupt or stay the proceedings of the Commissions.

The Commissions to be guided generally by the principles of the Regulations.

XII. First.—The Sudder and Mofussil Commissions shall, where not otherwise specially directed, be guided generally by the principles and spirit of the existing Regulations, or where those may not be applicable, by equity and good conscience.

Commissions may propose new regulations, or may submit rules for amending any part of the existing code in matters connected with the duties entrusted to them.

Second.—Provided also, that it shall and may be lawful for the said Commissions, and each of them, to propose Regulations regarding any matters coming within their cognizance, in the manner prescribed for the courts of judicature; and if any provision in the existing Regulations applicable to any case depending before the Mofussil or Sudder Commission, shall appear to them or either of them to be inequitable or improper, it shall be competent to the Commission before which the case may be depending, to stay its proceedings, for the purpose of submitting a draft of such Rules as may appear necessary for the amendment of the existing code; and to await the result of the reference, and finally to proceed in and determine the case according to the law as ultimately declared or enacted; making of course due compensation to any one whose rights under the existing law may be affected by their decision.

Third

Third.—Before entering on the performance of their functions, the members of the said Commissions shall bind themselves to the faithful discharge of the duties entrusted to them, by a solemn oath in such form, and to be taken before such person or persons, as the Governor General in Council may direct.

Oath to be taken by the members of the Commissions.

A. D. 1821. REGULATION II.

A REGULATION for increasing the powers of Moonsiffs, for extending in special cases the powers of Sudder Ameens in the trial and decision of civil suits, and for authorizing the Zillah and City Registers, and Sudder Ameens to discharge certain additional duties under the direction of the Zillah and City Judges, for providing an increase in the number of Moonsiffs when necessary, and for authorizing Sudder Ameens to hold their Cutcherries at any place where there may be a Register holding his Court at a distance from the fixed station of the Judge and Magistrate; also for amending the Rules at present in force for the institution of suits connected with the local Jurisdiction of such Registers, for rescinding such parts of the existing Regulations as authorize the Registers of Civil Courts to receive a proportion of the institution fees on suits which may be referred to them for decision; for altering in certain cases the Rule at present in force for the execution of decrees of the Provincial Courts in original suits, and of the decrees of the Court of Sudder Dewanny Adawlut on appeals from such decrees, and for abolishing the office of Register of the Provincial Courts of Appeal and Circuit:—Passed by the Governor General in Council on the 19th of January 1821; corresponding with the 8th Maug 1227 Bengal era; the 1st Maug 1228 Fussilly; the 9th Maug 1228 Willaity; the 1st Maug 1877 Sumbut; and the 14th Rubbi-us-sanee 1236 Higeree.

WHEREAS from the contracted powers exercised by the subordinate judicial officers, European and native, under the existing Regulations, a much larger proportion of business devolves on the zillah and city judges than can properly be discharged by them; and whereas the relieving them from part of that business by increasing the powers of the registers, sudder ameens and moonsiffs, will tend to expedite the general administration of justice; and whereas it has become necessary to provide for an increase in the number of moonsiffs, in consequence of the number prescribed by the Regulations, of one to each tannah jurisdiction, having been found in some places insufficient; and whereas great inconvenience is experienced from the want of sudder ameens at those places where registers are permanently fixed at a distance from the sudder station, as well as from the said registers not being vested with powers to admit suits arising within the limits of their local jurisdiction; and whereas it is expedient, with a view to afford still further relief to the judges of the zillah and city courts, held at the same place with the provincial courts, that the provincial courts should execute their own decrees in original suits, and the decrees of the Sudder Dewanny Adawlut in appeals from such original suits within the local limits of the jurisdiction of the aforesaid judges; and whereas it is also expedient that the judges of the zillah and city courts should be empowered to refer summary suits, to any amount, for the recovery of arrears of rent, and for possession of land, crops and other property, in cases of forcible dispossession, to such of their registers as may be vested with any of the special powers specified in Regulation XXIV, 1814; and whereas it is also expedient to substitute a fixed allowance in lieu of the fees hitherto granted to the registers of zillah and city courts on the decision of civil suits, and to abolish the office of register to the provincial courts of appeal and circuit, the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

Preamble.

II. If the civil business within the limits of a tannah cannot conveniently be discharged by one moonsiff, as prescribed by Section VI, Regulation XXIII, 1814, the provincial courts are hereby authorized, on the recommendation of the city or zillah judge, to augment, from time to time, the number of those officers as circumstances may require.

The provincial courts empowered to increase the number of moonsiffs on the recommendation of a city or zillah judge.

III. *First.*—Persons invested with the powers of moonsiffs are authorized to receive, try and determine all suits preferred to them against any native inhabitant

Moonsiffs empowered to try and decide on suits not exceeding one hundred and fifty rupees.

of their respective jurisdictions, for money or other personal property, not exceeding in amount or value the sum of one hundred and fifty sicca rupees; provided the cause of action shall have arisen within the period of three years previously to the institution of the suit, and that the claim include the whole amount of the demand arising from such cause of action, and that the claim be really as prescribed in Clause first, Section XIII, Regulation XXIII, 1814, for money due, or for personal property, or for the value of such property, and be not for damages on account of alleged personal injuries, or for personal damages of whatever nature.

Second.—The prohibitions contained in the second and third Clauses of Section XIII, Regulation XXIII, 1814, are hereby declared applicable to the suits above mentioned.

Third.—In suits instituted before the moonsiffs under the foregoing Clause, stamp duties shall be levied in conformity with the provisions contained in Section LXX, Regulation XXIII, 1814, and the compensation to which the moonsiffs shall be entitled for their trouble in the trial of such suits, shall be adjusted in conformity to the rules contained in Section XLIX, of the same Regulation.

Fourth.—The provisions contained in the existing Regulations, relative to the trial and decision of suits already cognizable by the moonsiffs, are hereby declared to be equally applicable to suits which may be instituted before those officers, under this Regulation.

IV. By Section XX, Regulation V, 1812, it is provided, that suits instituted under that Regulation for the recovery of arrears of rent may be decided by the zillah and city judges on summary inquiry; it was not however intended by that provision to preclude individuals from instituting a regular suit in the first instance for the more formal investigation of the merits of the case, either before the moonsiffs or in the zillah and city or provincial courts, according to the amount at issue, and the zillah and city judges are hereby enjoined to encourage, as much as possible, that mode of procedure, as well in the suits above adverted to, as in all other claims for arrears of rent, which may be cognizable by summary process under the existing rules, whenever it may in their opinion lead to a more prompt and satisfactory determination of the points at issue.

V. *First.*—It shall be competent to the Sudder Dewanny Adawlut to invest any person exercising the functions of a sudder ameen, with the power to try and determine original civil suits, in which the value or amount of the claim may not exceed five hundred rupees.

Second.—In addition to the powers vested in the sudder ameens, under the provisions of Section LXVIII, Regulation XXIII, 1814, and Clause second, Section VII, Regulation XXIV, 1814, the zillah and city judges are authorized to refer to a sudder ameen, duly empowered under the preceding Clause, any depending civil suits, with the exceptions specified in Section LXVIII, Regulation XXIII, 1814, in which the value or amount of the claim, calculated according to the provisions of Section XIV, Regulation I, 1814, Section XXIII, Regulation XXVI, 1814, and Section V, Regulation XIX, 1817, may not exceed five hundred rupees.

Third.—Suits referred to sudder ameens, in which the value or amount of the claim may exceed one hundred and fifty sicca rupees, shall be received, tried and determined in conformity with the provisions of Regulation XXIII, 1814. In suits, however, which may be referred to sudder ameens under the preceding Clause, in which the value or amount of the claim may be above one hundred and fifty rupees, but may not exceed five hundred rupees, the sudder ameens shall be entitled to receive one moiety only of the institution fee, or of the amount of the stamp duty substituted for such institution fee by Regulation I, 1814.

Fourth.—The provisions of Clauses third, fourth, fifth and sixth, Section VIII, Regulation XXIV, 1814, are hereby declared applicable to suits referred for trial to the sudder ameens, in which the value or amount of the claim may be above one hundred and fifty rupees, but may not exceed five hundred rupees.

Proviso.

Prohibitions contained in Clauses 2d and 3d, Section XIII, Regulation XXIII, 1814, declared applicable to such suits.

The payment of stamp duties and compensations to moonsiffs, how to be regulated.

Rules in force regarding the decision of suits by moonsiffs declared applicable to suits instituted under this Regulation.

City and zillah judges to encourage the institution of regular, instead of summary, suits in certain cases.

Sudder Dewanny Adawlut empowered to invest sudder ameens with authority to try and decide on original suits not exceeding five hundred rupees.

City and zillah judges authorized to refer depending civil suits to such ameens, provided the computed amount of each claim does not exceed five hundred rupees.

Exceptions.

Sudder ameens to be guided by the provisions contained in Regulation XXIII, 1814, in deciding on claims exceeding one hundred and fifty rupees;

but to receive only a moiety of the institution fee, or the amount of the stamp duty, in cases where

Certain clauses of Section VIII, Regulation XXIV, 1814, declared applicable to such cases.

VI. By Section LXI, Regulation XXIII, 1814, the number of sudder ameens to employed in each zillah or city is declared to be unlimited, and the provincial courts may at all times exercise their discretion in diminishing or augmenting the number of those officers. In modification, however, of the rule contained in Section LXVII, of the said Regulation, by which sudder ameens are required to hold their cutcherries at the station where the zillah or city court is held, it is hereby declared that one or more sudder ameens may be employed, and may hold their cutcherries at any place where a register may be stationed at a distance from the zillah or city court to which he is attached; such sudder ameens shall exercise the same powers and functions, and shall be entitled to the same compensation as sudder ameens at the station of the judge; provided, however, that original suits and appeals referable to such sudder ameens shall be referred in the mode prescribed by Section XI, of this Regulation.

Section LXVII, Regulation XXIII, 1814, modified, and sudder ameens authorized to hold their cutcherries at any place where a register may be stationed

VII. *First.*—Petitions for the execution of decrees in civil suits, shall be presented as heretofore, in the manner prescribed by the several Clauses of Section XV, Regulation XXVI, 1814; but such parts of the Regulations as require that decrees passed in civil suits by the sudder ameens, or by moonsiffs, shall be executed or enforced under the special orders of the zillah and city judges, are declared subject to the following modifications.

Petitions for the execution of civil decrees to be presented as heretofore.

Modifications of rules in force which require that decrees passed by sudder ameens and moonsiffs be executed under the orders of a city or zillah judge.

Second.—Whenever the miscellaneous business depending in a zillah or city court would occupy a larger portion of time than the judge can conveniently devote to it, he is authorized to refer to the registers or sudder ameens all applications for the execution of decrees passed by the sudder ameens or moonsiffs. In these cases an appeal from the orders of the registers or sudder ameens will lie, in the first instance, to the judges, and specially to the provincial court.

In cases when applications are referred by the judge to the register for the execution of sudder ameens and moonsiffs decrees, appeals from the registers orders allowed.

Third.—All orders issued by registers or sudder ameens in cases so referred to them, shall be executed by the officers of the zillah and city courts, under the rules prescribed in the general Regulations for the execution of decrees.

By what officers the registers and sudder ameens orders are to be executed on such occasions.

VIII. Such parts of Section VI, Regulation V, 1793, extended to Benares by Section VI, Regulation IX, 1795, and to the Ceded and Conquered Provinces by Section VI, Regulation IV, 1803, as prescribe that the provincial courts of appeal shall order the decrees which they may pass to be executed by the judge of the proper zillah and city court are hereby modified, and it is declared that the decrees passed by the judges of the provincial courts in all original regular suits relating to the jurisdiction of the zillah or city court, within the local limits of which the provincial courts are situated, and the decisions of the court of Sudder Dewanny Adawlut in appeal from all such decrees shall be executed by the provincial courts themselves, and all orders issued by the judges of those courts, in such cases, shall be executed by the officers attached to the said provincial courts respectively, under the rules prescribed in the general Regulations for the execution of decrees.

Modification of rules in force which require the provincial courts of appeal to direct their decrees being executed by the city and zillah judges.

In what cases the provincial courts of appeal are to execute their own decrees, as well as the decisions in appeal of the Sudder Dewanny Adawlut.

IX. In addition to such provisions of the existing Regulations as authorize the judges of the zillah and city courts to refer to their registers summary suits for the recovery of arrears of rent, or for possession of land, crops, or other property, in cases of forcible dispossession, provided that the cause of action would be referable to their registers in a regular suit; it is hereby declared that the zillah and city judges may refer to such of their registers as may be vested with any of the special powers under Regulation XXIV, 1814, summary suits of any amount depending before them, concerning arrears of rent, or regarding forcible dispossession from lands or crops, or disturbance in the possession thereof: provided always, that the zillah and city judges may at any time recal such suits, or any other miscellaneous cases referred to a register, on the representations of the parties or otherwise, in such manner as they may deem just and proper.

Judges of city and zillah courts may refer summary suits of any amount to their registers if they are vested with special powers.

Proviso.

X. *First.*—Whereas the speedy and satisfactory adjustment of summary suits, of the description mentioned in the preceding Sections, will be promoted by authorizing the trial and decision of such suits at any place within the limits of the jurisdiction in which the cause of action may have arisen, such parts of the Regulations in force as prescribe that the zillah and city courts shall be held in the city or place at which they are respectively established, and that no rule, order, or proceeding is to be made but on court days, and in open court, are hereby declared subject to the following modifications.

Modification of rules in force relative to the place at which the zillah and city courts are to be held.

Judges and registers of city and zillah courts empowered to hold their proceedings at any place within the jurisdiction of the court to which they may be attached.

Proviso.

Pleaders of the courts exempted from attending the trial of summary suits when conducted at a distance from the fixed station of the judge or register.

Those rules declared equally applicable to summary suits referred to the collectors.

Modification of rules in force which direct that suits referrible to registers shall in the first instance be instituted in the courts of the judges.

Registers at other than the fixed stations of the courts may in the first instance receive original suits or appeals.]

How registers are to proceed on the receipt of such suits or appeals.

Registers when at others than the fixed station of the court, authorized to receive applications for the execution of sudder ameens and moonsiffs decrees.

And empowered to execute them or to refer them for such purpose to the sudder ameens.

Certain clauses of Regulations which authorize registers to receive fees on the amount of stamp duty on the decision of suits, rescinded.

Registers declared not entitled to fees subsequent to the 30th April, 1821.

The office of register of the provincial courts abolished, and their duties to be performed by the judges and the officers attached to their respective establishments.

Second.—The judges and registers of the zillah and city courts are empowered to hold their proceedings in summary suits regarding rent and dispossession from lands or crops, or disturbance in the possession thereof, at any place within the jurisdiction of the courts to which they may be respectively attached; provided that the cause of action shall have arisen within the limits of such jurisdiction, and that the zillah or city judge or register shall be of opinion that the investigation of the case can be more conveniently conducted at such place than at the sudder station.

Third.—The established pleaders of the zillah and city courts shall not be required to attend the trial of summary suits at a distance from the fixed station of the judge or register. Such suits shall be tried in the presence of the parties, or any persons whom they may duly appoint to be present at the trial on their behalf.

Fourth.—The principle of the foregoing rules is hereby declared to be equally applicable to summary suits referred for investigation to the collectors.

XI. *First.*—Such parts of the Regulations in force as require that suits referrible to a register shall be instituted in the first instance in the courts of the zillah and city judges, are hereby declared subject to the following modifications.

Second.—It shall be competent to a register stationed at any other place than the fixed station of the zillah or city court, to receive in the first instance any original suits or appeals which may be eventually referable to him under the Regulations in force, in which the cause of action may have arisen, or the parties may reside, within the local jurisdiction entrusted to him as joint magistrate of the district of which he may be the register, or officiating in that capacity.

Third.—When an original suit or appeal shall be preferred to a register, under the provisions of the preceding Clause, he shall, after receiving the same, enter it in the register usually kept for that purpose, and shall forward by dawk or otherwise, a copy of the petition of complaint or appeal, together with copies of any other papers connected with it that may be necessary, to the zillah or city court, for the orders of the judge, who, after causing the same to be registered, will either authorize the suit to be tried and determined by the register or the sudder ameen stationed with the register, according to the nature or amount of the suit, or will require the case to be transmitted for trial, either by himself or any other competent authority; in the latter case, the plaintiff or appellant shall be required to attend in person, or by vakeel, to prosecute the suit in the court in which the case may have been ordered to be tried at the sudder station.

XII. All applications for the execution of decrees passed by the sudder ameens and moonsiffs within the local jurisdiction the registers, fixed at any other than the sudder station of the zillah or city court, are hereby authorized to be received by such registers, who shall be competent to execute them themselves, or to refer them for execution to the sudder ameens within their respective jurisdictions, in the mode prescribed by Clause third, Section VII, of this Regulation. Appeals from the orders of the sudder ameens shall in like manner be made in the first instance to the said registers.

Appeals from sudder ameens orders to be made to the registers.

XIII. The several Clauses of Section VIII, and Section IX, Regulation XXIV, 1814, and generally any other provisions of the Regulations, which authorize the registers of the zillah and city courts to receive a proportion of the fees, or the amount of stamp duty substituted for such fees, by Regulation I, 1814, on the decision of suits referred to them for trial, are hereby rescinded. The registers of the zillah and city courts shall not be entitled to any fees whatever on account of any civil suits decided by them, subsequently to the 30th of April next ensuing, but are to receive from the 1st of May next, in lieu of such fees, a fixed allowance, the amount of which will be determined by Government.

XIV. The office of register of the provincial courts of appeal and circuit shall be abolished from the 1st of May next ensuing, and the duties hitherto entrusted to those officers shall be performed by the judges of the provincial courts, and by the officers on their establishment, in such mode and under such rules as may be enjoined by the court of Sudder Dewanny Adawlut and Nizamut Adawlut.

A. D. 1821. REGULATION III.

A REGULATION for extending in special cases the powers of Assistants to the Magistrates; for empowering the Hindoo and Mahomedan Law Officers of the Zillah and City Courts and Sudder Ameens to try and determine petty thefts, and other criminal cases of a trivial nature, when referred to them by a Magistrate; for limiting the period of appeal in Foujdary cases; for rescinding parts of Section XII, and Section XVII, Regulation XXII, 1816; for modifying some of the Rules in force relative to the rate and collection of the assessment levied for the maintenance of Chowkeedars of Police; and for vesting the Magistrates with certain powers in regard to persons travelling through, or assembling within their jurisdictions, under suspicious circumstances:—Passed by the Governor General in Council on the 19th of January 1821; corresponding with the 8th Maug 1227 Bengal era; the 1st Maug 1228 Fussily; the 9th Maug 1228 Willaity; the 1st Maug 1877 Sumbut; and the 14th Rubbi-us-sanee 1236 Higeree.

WHEREAS the powers now vested in assistants to the magistrates by Section XX, Regulation IX, 1807, do not enable them to afford that aid to the magistrates which the state of public business in many districts requires, it is advisable to authorize in certain cases an increase of those powers: it is also deemed expedient, with a view to the speedy trial and punishment or acquittal of persons charged with petty offences, and to the due administration of criminal justice in cases of a trivial nature, to empower the Hindoo and Mahomedan law officers of the zillah and city courts and the sudder ameens, to try and determine such cases when referred to them by a magistrate; and to guard against the inconvenience which has been experienced from the unlimited privilege at present exercised of appealing in foujdary cases; and whereas it has been found expedient to rescind Clause second, and such parts of Clause first, Section XII, Regulation XXII, 1816, as require that persons considering themselves aggrieved by the assessment authorized to be levied for the maintenance of the chowkeedars of police, shall present a petition to the magistrate or joint magistrate on stamped paper; and to authorize the judges holding the sessions of jail delivery, to report upon any abuses or irregularities which may appear to them to exist in the management and collection of the assessment levied for the support of chowkeedars of police; and whereas there is reason to believe that persons, being the subjects of foreign states, often enter the territories of the British Government in large bodies, under the assumed character of travellers of rank and distinction, for the sole purpose of robbery and plunder; and as it is necessary to vest the zillah and city magistrates and joint magistrates with sufficient powers to prevent such practices, the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

II. *First.*—Whenever the accumulation of judicial business in a zillah or city may render it impracticable for a magistrate to discharge it with sufficient dispatch, and the court of Nizamut Adawlut may be of opinion, either in consequence of a report from the magistrate of such zillah or city, or from any other information before them, that the assistant of such magistrate is duly qualified by his experience, industry and abilities, to be entrusted with the special powers described in the third Clause of this Section, the Nizamut Adawlut shall report accordingly to Government.

Second.—On the receipt of such report from the Nizamut Adawlut, or upon any other information before Government, it shall be competent to the Governor General in Council to invest such assistants with the special powers described in the following Clause; and information shall be communicated in every instance in which such powers may be vested in an assistant, to the Nizamut Adawlut, to the court of circuit, and to the zillah or city magistrate.

Third.—Section XX, Regulation IX, 1807, is hereby modified; and in addition to the powers vested in the assistants to the zillah and city magistrates, by the Regulations heretofore in force, they may be specially empowered in all cases referred to them, in which an individual may be convicted of any criminal offence

Preamble.

Nizamut Adawlut to report on qualifications of assistants to magistrates, in cases of accumulation of business in zillah and city courts.

Governor General in Council empowered to invest such assistants with the special powers described in clause third of this Regulation.

Information in such instances to be communicated to the magistrate, court of circuit and Nizamut Adawlut.

Section XX, Regulation IX, 1807, modified, and additional powers vested in assistants to magistrates.

punishable under the Mahomedan law, and the Regulations for which the penalties authorized by the Section above quoted may appear insufficient, and for which a more severe punishment than six months imprisonment with thirty ratans, or a fine of two hundred rupees, may not have been specially prescribed, to pass sentence of imprisonment not exceeding six months, with corporal punishment not exceeding thirty ratans, in cases in which corporal punishment by stripes is authorized by the Regulations, or in other cases, with a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment not exceeding six months, so that the entire period of imprisonment, under the sentence of an assistant shall in no instance exceed one year.

Assistants to magistrates in cases requiring a more severe punishment than that authorized by the preceding section, not to pass sentence, but submit their proceedings to the magistrates; who will decide according to the general Regulations.

Rules by which assistants are to be guided in deciding on cases thus referred to them.

Magistrates may recall cases referred to their assistants.

In cases of death, removal or resignation of assistants vested with special powers, their successors not to exercise those powers unless authorized by Government.

The Governor General in Council declared competent to revoke the special powers entrusted to an assistant.

Magistrates may refer petty complaints to their native law officers;

and also cases heretofore referable to assistants in the mode prescribed by the existing Regulations.

Such law officers empowered to exercise the powers vested in assistants to magistrates under the Regulations in force. Exposition of the rules referred to in such cases.

Persons imprisoned under sentences of the law officers not to be confined in irons or

Fourth.—In any case referred to the assistant of a zillah or city magistrate, under the Regulations in force, in which the offence proved against the prisoner may appear to require a more severe punishment than he is by the foregoing Clause authorized to adjudge, he shall not pass any sentence, but shall submit his proceedings to the magistrate, who, after holding any further proceedings he may deem necessary, will, if satisfied of the guilt of the prisoner, either pass sentence on him, under Regulation XII, 1818, and the general Regulations in force, or will commit or hold him to bail for trial before the court of circuit, according to the nature and circumstances of the case.

Fifth.—The rules contained in Sections XXI, and XXII, of Regulation IX, 1807, are to be considered applicable to all cases referred to the assistants, of the description specified in this Section.

Sixth.—The magistrates are moreover at all times authorized to recall from their assistants any depending cases which may have been referred to them under the present or former Regulations, and which, for the more speedy administration of justice, or for any other reason, the magistrates may deem it proper to determine themselves in the first instance.

Seventh.—Upon the death, removal or resignation of any assistant, who may have been invested with special powers under the provisions of this Regulation, the person succeeding to the office of assistant shall in no case be entitled to exercise such special powers, without the previous sanction of the Governor General in Council; and it shall at all times be competent to the Governor General in Council to revoke the special powers which may be entrusted to the assistant of a zillah or city magistrate under this Section, for any cause which, in the opinion of the Governor General in Council, may render the adoption of that measure expedient.

III. First.—The zillah and city magistrates are authorized to refer for trial to the Hindoo and Mahomedan law officers of their respective courts, all complaints or charges brought before them for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and all charges of petty thefts, when unattended with any aggravating circumstances.

Second.—The magistrates of the zillah and city courts shall be competent to refer to their law officers any criminal cases which they are already authorized by former Regulations to refer to their assistants; and in the mode of making the reference, and in the subsequent stages of the proceeding, the magistrates and the law officers shall be guided by the provisions hitherto in force relative to such cases.

Third.—The law officers of the zillah and city courts, in the decision of criminal cases so referred to them, are hereby authorized to exercise the same powers as those vested in the assistants to the magistrates by Section XX, Regulation IX, 1807, and by the other Regulations therein referred to; that is, in cases referred to them for trial they shall not sentence a person convicted of abusive language or calumny, or inconsiderable assault or affray, to a more severe sentence than fifteen days imprisonment and a fine of fifty rupees, with an eventual commutation, if the fine be not paid, to further confinement for fifteen days more, making the entire term of imprisonment, if the fine be not paid, one month of thirty days; nor shall they sentence a person convicted of petty theft to a more severe corporal punishment than thirty ratans and imprisonment for a period of one month; persons sentenced to imprisonment by the law officers shall not, during their imprisonment, be confined in irons or in fetters, except in

in cases in which the misconduct of such individual, during his imprisonment, shall appear to the magistrate to render such measure necessary for his safe custody. fetters, unless the magistrate considers such a measure necessary.

Fourth.—The law officers of the zillah and city courts shall forward to the magistrates, on the fifth day of each month, a statement showing the manner in which the cases referred to them may have been disposed of, in order that the same, after having been carefully inspected by the magistrates, with the view of noticing and eventually correcting any irregularities, may be incorporated in the periodical reports required to be submitted to the superior courts. Law officers to furnish the magistrates with monthly statements of decisions passed by them.

IV. The foregoing provisions are hereby declared to be equally applicable to any of the sudder ameens who may be empowered, under Section V, Regulation II, 1821, to try civil suits exceeding in value or amount the sum of one hundred and fifty rupees, and likewise to all sudder ameens, whether vested with such powers or not, who may be appointed to the stations of the joint magistrates, and the latter officers are hereby authorized to employ such sudder ameens in the manner above specified. Foregoing rules applicable to sudder ameens, under Section V, Regulation II, to try civil suits exceeding one hundred and fifty rupees, and to those appointed to the stations of joint magistrates.

V. *First.*—No appeal shall be admitted from the order of an assistant or a sudder ameen in cases referred to them of a criminal nature by the magistrate, or joint magistrate, unless preferred within the period of one month from the date of such order; nor shall any appeal from the order of a magistrate or joint magistrate be admitted, unless preferred to the court of circuit at the sudder station within the period of one month from the date of the order, or to a judge of circuit holding the sessions next ensuing after such order shall have been passed, unless it shall be proved that the petitioner was prevented, by circumstances totally beyond his control, from presenting his petition within the prescribed period. Limitation of time for appeals from decisions of assistants and sudder ameens, and from the orders of the magistrates to the courts of circuit.

Second.—In calculating the period of one month above specified, the courts shall be guided by the principles of the rules contained in Clause tenth, Section VIII, Regulation XXVI, 1814. In what cases petitions of appeal may be received after the limited time.

VI. *First.*—The whole of Clause second, and such parts of Clause first, Section XII, Regulation XXII, 1816, as require that petitions of appeal from the assessment fixed by the punchayet for the maintenance of chowkeedars of police, shall be presented on stamped paper, are hereby rescinded. How magistrates are to be guided in calculating the period above adverted to.

Second.—The magistrates and joint magistrates are empowered and required, notwithstanding any thing to the contrary contained in Section XIX, Regulation XXVIII, 1814, to receive on unstamped paper all petitions which may be preferred to them by persons considering themselves aggrieved by the assessment which may have been fixed by the punchayet appointed under the provisions of Section IX, Regulation XXII, 1816. Rules requiring that petitions of appeal against chowkeedary assessments, fixed by punchayet, be written on stamped paper, rescinded.

Third.—When petitions of the above nature shall be presented to a magistrate, or joint magistrate, he shall proceed upon them as directed in Clause first, Section XII, Regulation XXII, 1816. It shall however be competent to the judges of circuit holding the jail delivery, on the receipt of information leading them to be of opinion that the rate of assessment is too high, or otherwise essentially wrong or defective in any respect, to report their sentiments on the subject to Government, in order that after making such further inquiries as may be necessary, suitable measures may be adopted for the revision or correction of the assessment. Magistrates and joint magistrates empowered to receive such petitions on unstamped paper; And to proceed on them as directed in Clause 1st, Section XII, Regulation XXII, 1816.

VII. *First.*—Whereas persons being the subjects of foreign states, and assuming the fictitious characters of rajahs or of natives of distinction, or of pilgrims, have frequently entered into the British territories, or have assembled together in armed bodies, for the purpose of committing robberies or other crimes within those territories, the following Rules have been enacted, with a view to prevent the recurrence of those practices. Judges of circuit, holding jail delivery, may report to Government any cases of improper assessment.

Second.—In addition to the powers vested in darogahs of police by the several Clauses of Section XX, Regulation XX, 1817, with regard to the apprehension of all vagrants and suspicious persons, they are hereby empowered to detain all persons travelling in bodies through their jurisdictions, or assembling therein, under circumstances leading to the suspicion that they have assumed a fictitious character, and that they are in reality persons of the description mentioned in the preceding Rules for preventing subjects of foreign states entering the British territories under fictitious characters for unlawful purposes.

Clause, and unless on examination they shall be able to give a satisfactory account of themselves, the darogahs shall, without delay, either report to the magistrates the circumstances under which they may have been detained, or in cases of an emergent nature, shall forward such individuals to the magistrates.

Darogahs how to proceed in cases when suspicion only attaches to such persons, although no sufficient cause for their detention exist.

Third.—If a darogah of police, acting under the discretion vested in him by the preceding clause, shall not see sufficient cause, after the examination of the person suspected, to send them to the magistrate or to detain them until the orders of the magistrate shall be received, but shall nevertheless entertain suspicions of their real character and intentions, he shall depute one or more police officers to watch their proceedings in passing through his jurisdiction, and shall notify the same to the adjoining police division, in order that the same precautions may be adopted and followed up.

Rules for the guidance of magistrates in the disposal of persons sent in by the darogahs.

Fourth.—If a darogah of police shall forward to the magistrate any persons travelling through, or assembling in his division, under suspicious circumstances, the magistrate having duly enquired into the grounds of their arrest, shall either release them, or adopt the precautionary measures directed in the preceding Clause, or if they appear to be travelling without any reasonable object, and to be inhabitants of a remote district, or subjects of a foreign state, he shall compel them to return, under a suitable guard, from station to station to the district or territory from which they may appear to have proceeded.

Landholders and others declared responsible for an early communication of the resort to their villages of suspicious persons.

Fifth.—The principal persons residing in villages, whether landholders or farmers, or other local managers or munduls, putwarries or other heads of villages, and also chowkeedars, and village guards of every description, are hereby declared responsible for the early and punctual communication to the officers of the nearest police station, or the resort to, or passage through their villages, of any considerable body of strangers, or of the assemblage of such bodies within the limits of their villages, together with any particulars which they may be able to collect, as to the alleged object of their assemblage or journey, or any suspicions which may arise as to their real character and intentions. Any landholder or farmer, or other local manager or mundul, putwarry, or other heads of villages, who shall wilfully neglect or delay to give the information above required, shall, on proof of such neglect, after an inquiry similar to that directed by Section XIII, Regulation IX, 1808, be sentenced to pay a fine, or to suffer imprisonment not exceeding the limitation therein specified; and any chowkeedar, or other village guard, who may be guilty of such neglect, shall be liable to the punishment which the magistrates are authorized to inflict under the provisions of Section VI, Regulation III, 1812.

Penalty to which they are declared liable should they omit giving the required information.

Punishment to which chowkeedars are declared liable in case of neglect of duty.

A. D. 1821. REGULATION IV.

A REGULATION for authorizing a Collector of Land Revenue or other officer employed in the management or superintendence of any branch of the territorial revenues, to exercise, in certain cases, the powers of Magistrate, or Joint Magistrate, and for authorizing a Magistrate or Joint Magistrate, or Assistant to a Magistrate, to exercise in certain cases the powers of a Collector of Land Revenue, or of any other officer employed in the management or superintendence of any branch of the territorial revenues:—Also, for explaining the duties of an Assistant Collector of Revenue, and for defining the duties and powers vested in Assistant Collectors or other officers appointed to the charge of the revenues of pergunnahs or other local divisions, or employed in the performance of any portion of the functions ordinarily belonging to the Collectors of Land Revenue:—Passed by the Governor General in Council on the 19th of January 1821; corresponding with the 8th Maug 1227 Bengal era; the 1st Maug 1228 Fussilly; the 9th Maug 1228 Willaity; the 1st Maug 1877 Sumbut; and the 14th Rubbi-us-sanee 1236 Higeree.

Preamble.

WHEREAS it may be expedient to authorize a collector of land revenue, or other officer employed in the management or superintendence of any branch of the territorial revenue, to exercise in certain cases the whole or any portion of the powers at present exercised respectively by a magistrate, or joint magistrate, or to vest the powers of a collector of revenue, or any portion thereof, in the hands of a magistrate, or joint magistrate, or of an assistant to a magistrate, and whereas it is expedient to explain the duties which may be performed by the assistants to the collectors

collectors of revenue, and to define the duties and powers vested in assistant collectors or other officers, when appointed to the charge of the revenues of pergunnahs or other local divisions, or when employed in the performance of any portion of the functions ordinarily belonging to collectors of the land revenue; the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

II.—It shall be competent to the Governor General in Council to authorize a collector of revenue or other officer employed in the management or superintendence of any branch of the territorial revenues, to exercise the whole or any portion of the powers and duties vested by the Regulations in the magistrates or joint magistrates, or to employ a magistrate, joint magistrate, or an assistant to a magistrate, in the collection of the public revenue, and to invest the person so employed with the whole or any portion of the powers of collector of revenue, or of other officer employed in the management or superintendence of any branch of the territorial revenues.

Governor General in Council declared competent to authorize a collector or other revenue officer to exercise the powers of a magistrate or joint magistrate, and to invest magistrates with the powers of a collector.

III. *First.*—If a person holding the office of magistrate, or joint magistrate, or assistant to a magistrate, shall be employed in the collection of the public revenue, he shall, previously to entering upon the execution of the duties of a collector, take and subscribe the oath prescribed by Section XXV, and Section XXVI, Regulation V, 1804.

Magistrates, &c. employed in the collection of the public revenue to take a prescribed oath.

Second.—In like manner, if a person holding the office of collector of revenue, or of any other officer employed in the management or superintendence of any branch of the territorial revenues, shall be appointed to perform the duties of magistrate, or joint magistrate, he shall, previously to entering upon the execution of such office, take and subscribe the oath prescribed by Section II, Regulation IX, 1793, and Clause first, Section III, Regulation XIII, 1793, with such verbal alterations only as may be consonant to the nature of the appointment.

Collectors and other revenue officers appointed to the discharge of magisterial duties of a magistrate to take the prescribed oath.

IV. *First.*—If a person holding the office of magistrate, joint magistrate, or of assistant to a magistrate, shall be employed in the collection of the public revenue, he shall be guided in the execution of his duty as collector by the orders of the Board of Revenue, or the Board of Commissioners, and by the Rules and Regulations that have been, or may be enacted for the collection of the public revenue.

Magistrates, &c. employed in the collection of the public revenue to be guided by the orders of the Boards of Revenue and Commissioners, and by the Rules and Regulations of Government.

Second.—If a person holding the office of collector of revenue, or otherwise employed in the management or superintendence of any branch of the territorial revenue, shall be appointed to perform the duties of magistrate, or joint magistrate, he shall be guided in the execution of those duties by the Regulations which have been, or may be enacted, for the guidance of those officers respectively, and by the orders of the superior courts of criminal judicature, in all matters in which a controlling or superintending power is vested in those courts.

Collectors, or other revenue officers, employed as magistrates, to be guided by the Regulations and by the orders of the superior courts.

V. Every magistrate, or joint magistrate, or assistant to a magistrate, who may be employed in the collection of the revenue, and every collector or other officer employed in the management or collection of the territorial revenues, who may be authorized to exercise the powers of a magistrate, or joint magistrate, under the provisions of this Regulation, shall be careful to preserve the records of their judicial and revenue offices separate and distinct from each other.

Magistrates, &c. employed in the collection of revenue, and revenue officers exercising the powers of a magistrate or joint magistrate, to preserve the records of their respective offices separate and distinct.

VI. *First.*—Such parts of the existing Regulations as declare the collectors of revenue to be amenable to the zillah and city courts for any acts done by them in their official capacity, in opposition to the Regulations, shall be held applicable to any magistrate, or joint magistrate, or assistant to a magistrate, who may be employed in the collection of the public revenue.

Such of the rules in force as declare collectors amenable to zillah and city courts for acts done in opposition to the Regulations applicable to magistrates employed in the collection of revenue.

Second.—Provided always, that if such individual shall, at the same time, hold the office of judge of the zillah or city in which the act in question may have been committed, such act shall not be cognizable by the zillah or city court, but by the provincial court of the division in which such zillah or city may be included.

Proviso, in the event of such officer being himself the judge of the zillah or city in which the act may have been committed.

VII. In the institution of suits for the recovery of the public revenue, or in any case in which the institution of a suit by the collector in the zillah or city courts is authorized or directed by the Regulations, a magistrate, or joint magistrate, or

In the institution of a suit in a zillah or city court, a magistrate employed in the collection of revenue,

not being himself in charge of the office of judge, shall proceed according to the Regulations enacted for the guidance of collectors.

Governor General in Council competent to cause such alterations in the limits of the several collectorships, and in the number of officers employed as collectors, as may from time to time appear expedient.

Boards of Revenue and Commissioners empowered to depute officers subordinate to them to exercise the powers of collectors within such local limits as they may judge expedient.

Proviso, requiring a report of their having done so.

Collectors, authorized with the sanction of the Boards, to delegate to their assistants any part of their duties to which they may be unable to give due attention.

Proviso, in the event of a collector deputing his assistant.

An assistant to a collector to take the oath prescribed in Sections XXV, and XXVI, Regulation V, 1804, previously to entering on his duties.

Assistants, or other officers exercising the powers of collectors, to be guided by the Regulations, and to be responsible for the performance of their duties, and amenable to the civil courts.

assistant to a magistrate, employed in the collection of the revenue, not being himself in charge of the office of judge of a zillah or city court, shall proceed according to the Regulations already in force for the guidance of the collectors under similar circumstances.

VIII. First.—It is hereby declared and enacted, that it is and shall be lawful for the Governor General in Council to cause such alterations to be made in the limits of the several collectorships, and in the number of the officers employed as collectors of land revenue, as may from time to time appear expedient, as well as to vest such officers, being covenanted servants of the Honourable Company, with authority to exercise the whole or any part of the functions ordinarily exercised by collectors of land revenue in such mehal or mehals belonging to such district or districts as may from time to time be deemed expedient; and any officers so employed shall perform their prescribed duties in the same manner, and subject to the same condition and liabilities, as attach to collectors of land revenue in regard to such duties.

Second.—It shall also be competent to the Board of Revenue, or other authority exercising the powers of that Board, to depute any of the officers subordinate to their authority to exercise and perform all or any of the powers and duties ordinarily vested in collectors of land revenue within such local limits as they may judge expedient; provided, however, that in all such cases the Board, or other authority aforesaid, shall, on the day in which they may depute any officer as aforesaid, or as soon after as practicable, report their having done so for the information and orders of the Governor General in Council.

Third.—The collectors of revenue are hereby authorized, with the sanction of the Board of Revenue, or the Boards of Commissioners, to delegate to their assistants any part of their prescribed duties, which from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided always, that in the event of a collector deputing his assistant to make local inquiries, or for any other purpose connected with the collection of the public revenue, he shall immediately report the same for the information and orders of the Board of Revenue, or Board of Commissioners to which he may be subordinate.

Fourth.—Previously to entering upon the duties of his office an assistant to a collector shall take and subscribe an oath corresponding with that prescribed by Section XXV, and Section XXVI, Regulation V, 1804, for servants of the Company employed in the management and collection of the public revenue.

Fifth.—Assistants or other officers exercising the powers of collectors of revenue, or any portion thereof, under the provisions of this Regulation, shall be guided in every respect by the Regulations which have been, or may be enacted for the management and collection of the revenue, as far as the same may be applicable to the duties committed to them respectively, and shall be considered responsible for the due performance of the duties entrusted to them, and shall be amenable to the civil courts of judicature for any acts done by them in their official capacity, in opposition to the Regulations, in the same manner, and under the same rules, as the collectors of revenue.

A. D. 1821. REGULATION V.

A REGULATION for settling the rates at which Benares and Furruckabad Rupees shall be received in payment of the Revenue of Malgoozars, whose engagements are expressed in Gohurshahee or Tirsoolee Rupees:—Passed by the Governor General in Council on the 23d November 1821; corresponding with the 9th Aughun 1228 Bengal era; the 14th Aughun 1229 Fussily; the 10th Aughun 1929 Willaity; the 14th Aughun 1878 Sumbut; and the 27th Suffer 1237 Higeree.

Preamble

IT is enacted by Regulation XI, 1819, that the Furruckabad rupees shall be received within the province of Benares at par with the Benares rupees; but no provision

provision has been made for regulating the exchange in account between the said rupees and the Gohurshahee and Tirsoolee rupees, in which it appears that the engagements of many malgoozars are expressed; moreover the batta to be taken from such malgoozars has hitherto been arbitrarily fixed, and considerable abuses have consequently prevailed. The intrinsic value of the coins having been now ascertained by a careful assay, whence it has appeared that the rupee denominated Chorah Gohurshahee exceeds, and the other descriptions of Gohurshahee rupees equal, the Furruckabad rupee in value, and that the latter coin is 3. 11. 7. per cent. superior in value to the Tirsoolee rupee, the revenue officers have been directed to adjust their demands on the said malgoozars according to the results of the assay, subject to the general principle of receiving the Furruckabad rupee at par with the Benares rupee, and without any demand of batta on account of its inferiority in value below the local currency. In pursuance of the orders already issued in this matter, and for the purpose of making generally known the results of the assays, and of removing all doubts as to the rate at which rupees denominated Gohurshahee and Tirsoolee are to be valued, the following Rules have been enacted, to be in force from the date of their promulgation.

II. The Benares and Furruckabad rupees, which are now received as of equal value in all payments of the Government revenue, shall be paid and received in lieu of the Gohurshahee rupees, and at par with the same, in liquidation of all demands on any malgoozar or other person who may have entered into engagements with Government, expressed in any description of Gohurshahee rupee. The Gohurshahee rupee shall be held and considered as of equal value with the Furruckabad and Benares rupees in the adjustment of all claims or demands on account of revenue arising out of such engagements as aforesaid, which may be suspended or unsettled; and no malgoozar or other person aforesaid shall be entitled to any deduction or allowance, by way of batta or the like, on account of payments made or tendered by him in Benares or Furruckabad rupees, in fulfilment of engagements expressed in Gohurshahee rupees: provided always, that in cases in which such deduction or allowance may have been made, and receipts granted or credit given accordingly, nothing in this Regulation shall be understood to authorize the officers of Government or individuals to make any demand on account of such deduction or allowance, nor shall any such demand be held valid.

In what cases the Benares, Furruckabad, and Gohurshahee rupees to be considered of equal value, and to be received and paid without any allowance or deduction on account of batta.

Proviso.

III. All malgoozars or other persons whose engagements are expressed in Tirsoolee rupees, shall be allowed a batta of rupees 3. 11. 7. per cent. on payments made in Furruckabad or Benares rupees; that is to say, on the payment of rupees 96. 4. 5. of the Furruckabad or Benares currency, the said persons shall have credit for 100 Tirsoolee rupees, in liquidation of demands under engagements expressed in that description of rupee: provided always, that all suspended or unsettled demands or accounts shall be adjusted on the same principle, but no fresh demands shall be admitted on account of any deduction or allowance made in the settlement of accounts already adjusted.

Persons whose engagements are made in Tirsoolee rupees to be allowed a certain batta, or per centage, on payments in Furruckabad or Benares rupees.

Proviso.

IV. All mehals held in farm within the province of Benares, whereof there may be no ancient proprietors forthcoming entitled to re-enter, subject to the payment of the jumma already fixed, being open to re-settlement on the death of the farmers, it is hereby declared and enacted that the collectors within the said province shall hereafter adjust the assessment of such estates, with reference to the assets estimated in Furruckabad rupees, and that the engagements of the malgoozars of such estates shall be uniformly expressed in that currency. In like manner in cases wherein the ancient zemindars may be entitled to re-enter, subject to the payment of the jumma already fixed, the said jumma, if expressed in Gohurshahee or Tirsoolee rupees, shall be converted into Furruckabad rupees at the rates hereinbefore specified, and the engagements of the proprietors shall be expressed in the last-mentioned currency.

Certain cases in which engagements for lapsed mehals within the province of Benares are to be made in Furruckabad rupees.

And others in which the payment if expressed in Gohurshahee or Tirsoolee rupees, is to be converted into Furruckabad rupees.

A. D. 1821.

A RULE, ORDINANCE, and REGULATION, for the good order and civil government of the settlement of Fort William in Bengal, made and passed by the Most Noble Francis, Marquis of Hastings, Knight of the Most Noble Order of the Garter, Governor General of and for the Presidency of Fort William in Bengal, in Council, the thirty-first day of August in the year of our Lord one thousand eight hundred and twenty-one, and registered in the Supreme Court of Judicature at Fort William in Bengal, the thirteenth day of November in the same year.

WHEREAS it is deemed just and expedient to enact Rules for the prevention and punishment of persons knowingly purchasing or receiving arms, clothes, caps or other articles, generally considered regimental necessaries, from or belonging to any soldiers or deserters in the service of His Majesty or of the Honourable the United Company of Merchants of England trading to the East Indies, within the limits of the town of Calcutta and settlement of Fort William in Bengal aforesaid:

Persons within the limits of Calcutta, and settlement of Fort William, knowingly detaining, buying or exchanging, or receiving, from any soldier or deserter or others any arms, &c. or causing the colour of any such clothes to be changed, or procuring or enticing any soldier or other person to sell or dispose of any such arms, &c.

may be summoned before any two magistrates.

Form of proceedings.

In case of conviction to be punished by fine not exceeding 50 fa. rs. for each offence; and on non-payment to be committed to the common jail or house of correction to hard labour for not exceeding three calendar months, or publicly or privately whipped.

I. Be it therefore ordained by His Excellency the Most Noble the Governor General in Council, by and in virtue of the authority and power in him vested by a certain Act of Parliament made and passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled, "An Act for establishing certain Regulations for the better management of the affairs of the East India Company as well in India as in Europe," and by a certain other Act of Parliament, passed in the fortieth year of the reign of his said late Majesty King George the Third, intituled, "An Act for establishing further Regulations for the government of the British territories in India, and the better administration of justice within the same;" that from and after the due registry and publication of this Rule, Ordinance and Regulation in the supreme court of judicature at Fort William in Bengal, with the consent and approbation of the said supreme court, if the said court shall in its discretion approve and consent to the registry and publication of the same, if any person or persons within the limits of the town of Calcutta and settlement of Fort William aforesaid, shall knowingly detain, buy or exchange, or otherwise receive from any soldier in the service of His Majesty or of the Honourable the United Company of Merchants of England trading to the East Indies, or from any deserter therefrom, or from any other person, upon any account or pretence whatsoever, any arms, clothes, caps or other military furniture or accoutrements whatsoever, being commonly used or worn, or intended to be used or worn by such soldier, and generally deemed regimental necessaries, or cause the colour of any such clothes to be changed, or shall move, procure, counsel, solicit or entice any such soldier or other person to sell or dispose of any such arms, clothes, caps, furniture or accoutrements as aforesaid, so provided, used, worn or intended to be used and worn as aforesaid, knowing the same to have been so provided, used, worn or intended to be used and worn as aforesaid, it shall and may be lawful for any two of His Majesty's justices of the peace acting in and for the said town of Calcutta and settlement of Fort William aforesaid, upon complaint of any such offence made before them, to issue their summons or warrant for bringing before them the person or persons complained of, in which case, or in case of such person or persons being otherwise brought or appearing before any two of His Majesty's said justices of the peace, it shall and may be lawful for such justice, before whom such party or parties shall be brought or appear as aforesaid, to take cognizance of such complaint, and having taken in writing the substance thereof, and of the defence and evidence, to acquit or convict the person or persons so charged; and in case of conviction for any such offence, to inflict upon each and every such person or persons so convicted a suitable punishment, by fine, not exceeding fifty sicca rupees for each and every such offence; and if such fine be not paid, it shall and may be lawful for such justices, by warrant under their hands and seals, to commit the person or persons so convicted and failing to pay such fine or fines, to the common gaol or house of correction for the town of Calcutta, there to be kept at hard labour for a period not exceeding three calendar months, or cause such offender to be publicly or privately whipped at the discretion of such justices, instead of inflicting such punishment of fine and imprisonment.

II. And

II. And be it further ordained by the authority aforesaid, that all fines levied under or by virtue of this Rule, Ordinance and Regulation, shall be transmitted to the clerk of the Crown for the use of His Majesty; and that in case of the punishment of whipping being inflicted under this Rule, Ordinance and Regulation, no greater number of stripes be inflicted on any one person convicted than fifty stripes.

Punishment of whipping not to exceed 50 stripes.

II.

REGULATIONS

Passed by the Governor General in Council of Fort St. George, in the Year 1821.—N^o I. to VI.

A. D. 1821. REGULATION I.

A REGULATION for empowering the Governor in Council, by an order in Council, to establish and abolish Provincial and Zillah Courts, to extend and contract the jurisdiction of the same, and to alter the stations at which they are held, and the order of succession in the jail-deliveries of the several Zillahs, in the territories which are or may be subject to this Presidency:—Passed by the Governor in Council of Fort St. George, on the 23d of January 1821; corresponding with the 12th Tye of the year Vickramah 1742d year of Salewahan, and with the 18th Rabusany 1236 Hijree.

AS it is necessary, for the sake of public economy, for the convenience of the people, and for facilitating the distribution of justice, that, whenever it may be found expedient, the number of the provincial and zillah courts should be increased or diminished: the stations of the several provincial and zillah courts should be changed: the jurisdiction of those courts should be contracted or extended; and the order of succession in the jail-deliveries should be altered or modified: And, as it will be convenient that the Governor in Council should be empowered to make these changes, whenever they may appear advisable, by an order in Council.—The following Rules have been enacted to be in force from the date of this Regulation.

Preamble.

II. The Governor in Council is empowered, whenever he may deem it expedient, to establish or abolish provincial and zillah courts of judicature, to alter the stations of the provincial and zillah courts, to extend or contract the limits of the jurisdiction of those courts, and to change and modify the order of succession in the jail-deliveries of the several zillahs, in the territories which are or may be subject to this Presidency, by an order in Council, under the signature of the Chief Secretary to Government, without enacting a Regulation for that purpose.

Provincial and zillah courts may be established or abolished, their stations altered, their jurisdiction extended or limited, and the order of the jail-deliveries changed by an order in council.

III. All suits, which may have arisen within such part of the local jurisdiction of any provincial or zillah court as may be changed or modified, in virtue of the power granted for that purpose in the foregoing Section, and which may then be depending, shall, with the documents relating thereto, be transferred to the court acquiring jurisdiction over the same.

Depending suits to be transferred to the new jurisdiction.

IV. Such parts of any Regulations now in force as may be contrary to this Regulation are hereby rescinded.

All contrary provisions rescinded.

A. D. 1821. REGULATION II.

A REGULATION for extending the jurisdiction of the Registers, Sudder Ameens, and District Moonsiffs, and for the more effectual checking of abuses by District Moonsiffs:—Passed by the Governor in Council of Fort St. George, on the 13th April 1821.

Preamble.

WHEREAS the administration of justice in the provinces will be greatly facilitated by an extension of the jurisdiction of the Registers, the sudder ameens and district moonsiffs, in regard to the amount and value of property which may be adjudicated upon by them respectively:—And whereas it is expedient to provide more effectually for the investigation of abuses which may be alleged to have been committed by district moonsiffs. The Honourable the Governor in Council has enacted the following Regulation, to be in force from the date of its promulgation.

Jurisdiction of registers extended to one thousand rupees

II. Clause first, Section VI, Regulation VII, of 1809, is hereby rescinded, and the judges of zillah courts are hereby authorized to refer to their registers for trial and decision any suits or appeals filed in their respective courts, for malguzary land, of which the annual produce shall not exceed one thousand Madras rupees; or for lakeraj land, the annual produce of which shall not exceed one hundred Madras rupees; or for other real property not of the description above specified; or for sums of money or other personal property, the amount or value of which shall not exceed one thousand Madras rupees.

Jurisdiction of sudder ameens extended to seven hundred and fifty rupees.

III. The provisions of Section VII, Regulation VIII, of 1816, are hereby extended to authorize the judges of zillahs to refer to the Sudder Ameens for trial and decision any suits filed in their respective courts, for lands exempt from the payment of revenue, the annual produce of which shall not exceed seventy-five Madras rupees; and for land subject to the payment of revenue in money, or in kind, the annual produce of which shall not exceed seven hundred and fifty Madras rupees; or for other real property not of the description above specified, or for sums of money or other personal property, the value or amount of which shall not exceed seven hundred and fifty Madras rupees.

Jurisdiction of district moonsiffs extended to five hundred rupees.

IV. The jurisdiction of district moonsiffs as defined in Section XI, Regulation VI, of 1816, is hereby extended, in regard to suits of the description specified in Clause Second of that Section to fifty Madras rupees; and in regard to suits of the description specified in Clauses third, fourth and fifth of that Section, to five hundred Madras rupees.

District moonsiffs not to receive fees on suits for sums not exceeding ten rupees;

V. District moonsiffs shall not be entitled to receive the compensation provided by Clause first, Section XVI, Regulation VI, of 1816, on the decision by them of any suits in which the cause of action shall be for sums of money, or other personal property, the amount or value of which shall not exceed ten Madras rupees: Provided always, that this rule shall not be construed to authorize district moonsiffs to refuse to receive, try or determine any such suits when brought before them.

But not authorized to refuse to receive such suits.

Collectors to make preliminary inquiry into alleged abuses on the part of district moonsiff;

and if grounds exist for the charge, they are to bring it to the notice of the zillah judge.

VI. Whenever a collector, or a subordinate or assistant collector, shall receive information of any acts of extortion, undue exaction, or other gross misconduct alleged to have been committed by a district moonsiff, he shall make such inquiries as the nature of the case may suggest, for the purpose of ascertaining whether any grounds exist for a more full and formal investigation of the charge; and if he shall find such grounds to exist, he shall forward a statement of the case, together with the list of witnesses to the facts and circumstances thereof, to the zillah judge, in order that he may proceed in regard to the accused in the mode prescribed by Section VII, Regulation VI, of 1816.

A. D. 1821. REGULATION III.

A REGULATION for determining the rate of duty on Opium, exported or imported by Land, to or from any of the Foreign European Settlement adjoining the territories subject to the Presidency of Fort St. George:—Passed by the Governor in Council of Fort St. George, on the 15th June 1821.

WHEREAS by the provisions of Regulation III, of 1818, a duty is imposed on opium of a certain description, when the same shall by sea be exported to or imported from any port or place within the territories subject to the Presidency of Fort St. George: And whereas it is expedient that a like duty should also be imposed and chargeable on all opium of the same description as that specified in the before-mentioned Regulation, when the same shall by land be exported to or imported from any Foreign European Settlement adjoining the territories subject to this Presidency, the Governor in Council of Fort St. George, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, has enacted the following rules to be in force from the period of their promulgation.

Preamble.

II. All opium, with the exception specified in the following Section, shall, on exportation or importation by land, to or from any of the foreign European Settlements adjoining the territories subject to the Presidency of Fort St. George, be subject to a duty at the rate of 40 rupees per viss.

A duty of forty rupees a viss to be paid on opium passing the frontier of foreign European settlements.

III. Opium exported to or imported from any of the aforesaid settlements by land, and accompanied by a certificate specifying that it has been purchased at the Company's sales in Calcutta, shall be subject only to the rate of duty prescribed by the Regulations in force to be levied on goods and merchandise passing to and from those settlements.

Exception in favour of opium purchased at the Company's sales in Calcutta.

IV. Any opium exported or imported in breach of the rules and provisions of this Regulation shall be forfeited, and the proceeds thereof disposed of under the general rules prescribed in Clause First, Section XX, Regulation I, of 1812, for the division of the amount sales of all confiscated goods; and such opium shall and may be seized by the collector, or any of the officers of the Custom-house, or Customs, or by any of the officers of Government.

Opium exported or imported in breach of this Regulation liable to seizure and confiscation.

A. D. 1821. REGULATION IV.

A REGULATION for giving greater efficiency to the system of Police established in the Provinces subordinate to the Presidency of Fort St. George:—Passed by the Governor in Council of Fort St. George, on the 15th June 1821.

WHEREAS it is expedient that the Ameens of Police should have authority beyond the limits of the towns to which they are appointed: And whereas it is also expedient that the preliminary powers of investigation for the discovery of offences and the apprehension of offenders, which are now vested only in tahsildars, or other head officers of district police, should be delegated to competent subordinate officers in different parts of each talook: And whereas the transmission of parties and witnesses, in all cases of petty theft, and other petty offences, from the place where the offence is charged to have been committed, to a distance therefrom, in order to their being brought before the magistrate, is a cause of great inconvenience, loss and injury to the persons so sent; and there is reason to believe that in consequence of such inconvenience the knowledge of offences committed is frequently concealed and suppressed, and the offenders escape punishment; and it is therefore expedient that the powers of the heads of district and village police should be extended: And whereas the recording of evidence in cases of petty offences and petty thefts is a duty of great labour and time without an equivalent benefit; and the too frequent administration of oaths where the

Preamble.

matter under inquiry is of little moment, has a tendency to weaken the sanctity of oaths, and to encourage perjury, The honourable the Governor in Council has enacted the following rules to be in force from the date of their promulgation :

The authority of ameens of police may be extended beyond the limits of the towns to which they are appointed.

II. *First.*—In modification of the provisions of Section XL, Regulation XI, of 1816, it is hereby declared competent to magistrates to extend, at their discretion, the local limits of the jurisdiction of Ameens of Police to any distance they may see fit beyond the towns to which such Ameens have been or may be appointed.

Ameens of police subject to the authority of Tahsildars, and liable to perform revenue duties.

Second.—Ameens of Police, and generally all subordinate officers of police of every description, shall be subject to the authority of the tahsildars of their several districts; and shall perform all such revenue duties as may be assigned to them by the collectors or tahsildars under whom they serve.

Subordinate officers to be authorized to make inquiry of offences, arrest of offenders, take inquests, &c.

III. *First.*—Magistrates shall select such number of competent subordinate officers belonging to their district establishments as may appear to them necessary to perform in different parts of each talook the police duties assigned to tahsildars and other head officers of police, by Sections XXVII, XXVIII, XXIX, XXXI, XXXII, XXXVI, and XXXVII of Regulation XI, of 1816; and all acts done in conformity with the provisions of the enactments here referred to by the persons so selected shall be valid.

Subordinate officers to forward their proceedings to the heads of district police.

Second.—The subordinate officers referred to in the foregoing clause shall forward to the heads of police of their respective districts all examinations, depositions and confessions that may be taken by them, together with the prisoners and witnesses in every case which they may investigate, in order that the said heads of police may transmit them to the magistrate or the criminal judge in conformity with the existing Regulations.

Officers appointed under this Section not authorized to punish in any case.

Third.—The persons who may be selected under the provisions of this Section shall not have authority to inflict punishment of any kind, nor to hear or determine complaints for petty offences; and they shall be subject to the authority of the tahsildars of their respective districts.

Heads of district police authorized to punish petty thefts not exceeding five rupees. Punishment they may inflict.

IV. *First.*—Heads of district police are hereby empowered to hear and determine cases of petty theft, not attended with aggravating circumstances, nor committed by persons of notoriously bad character; and on conviction of the accused, when the value of the property stolen shall not exceed five Madras rupees, to inflict punishment not exceeding six strokes with a rattan.

If greater punishment appear requisite, a report of the case to be made to the magistrate, who will issue his orders.

Second.—Whenever a head of district police investigating under the authority vested in him by this Section, shall be of opinion that the punishment which he is empowered to inflict is not adequate to the offence committed, he shall report the case to the magistrate for his final orders; and the magistrate shall, at his discretion, either issue his orders in writing to the head of district police to inflict such punishment as the magistrate may deem sufficient, or he shall order the head of district police to forward the parties and witnesses to him for further investigation.

If no orders on the reference are given by the magistrate, the accused to be released, and the imprisonment deemed a sufficient punishment.

Third.—Provided always, that if at the expiration of thirty days from the date and day of despatch of any reference from a head of district police to a magistrate, under the provisions of the foregoing clause, no answers or orders of the magistrate shall have been received by the head of district police, then the head of district police shall release the offenders, and the confinement which they have so had shall be considered a sufficient punishment for the said offence, and they shall not be liable to be again tried for the same.

Heads of district police to report punishments inflicted by them under this Section.

Fourth.—Heads of district police shall report to the magistrate, in the mode prescribed by Clause Second, Section XXXIII, Regulation XI, of 1816, all punishments which they may inflict under the provisions of Clause First of this Section.

Heads of district police may fine to the extent of three rupees.

V. *First.*—The power granted to the tahsildars, or other heads of district police, by Section XXXIII, Regulation XI, of 1816, of fining persons duly convicted before them of offences of a trivial nature, is hereby extended to the imposition of a fine not exceeding three Madras rupees.

And may give the fine, or part thereof, as compensation to an injured party.

Second.—In cases of injury to any complainant when the fine may have been levied, it shall be lawful for the head of district police to award the whole, or any portion

portion of such fine, to the party aggrieved, by way of satisfaction for such injury, as he may deem equitable; the remainder of such fine, if any, to be carried to the account of Government.

Third.—Head officers of district police shall make immediate report to the magistrates of all cases in which they shall exercise the power of fining under this Section.

Immediate report of fines to be made by heads of district police to the magistrates.

VI. *First.*—The powers granted to heads of villages, under Clause First, Section X, Regulation XI, of 1816, to punish trivial offences, are hereby extended, under the rules and limitations therein specified, to the punishment of petty thefts not attended with aggravating circumstances, nor committed by persons of notoriously bad character, and where the value of the property stolen does not exceed one Madras rupee.

Heads of villages authorized to punish petty thefts not exceeding one rupee.

Second.—Heads of villages shall report to the head police officer of the district all cases in which they shall have exercised the power of punishment granted to them by Clause First of this Section.

Such punishments to be reported to the head of district police.

VII. *First.*—Section XXXVII, Regulation IX, of 1816, is hereby rescinded.

Rescission.

Second.—Magistrates shall not be required to take down in writing or to record the examinations they may take in the investigation of complaints preferred before them under Sections XXXII, and XXXIII, of Regulation IX, of 1816.

Magistrates relieved from taking written evidence in petty complaints.

VIII. Magistrates shall not be required to include in the Calendar prescribed in the latter part of Section XL, Regulation IX, of 1816, returns of any punishments adjudged by them under the provisions of Section XXXII, of that Regulation, nor of such punishments, not exceeding ten days imprisonment, or six strokes with a rattan, as they may adjudge under Section XXXIII, of the above quoted Regulation.

Magistrates not required to make return to the provincial courts of punishment to a limited extent.

IX. Magistrates and their assistants shall be at liberty, in the examination of complaints for petty offences, and of complaints for petty thefts, to exercise their discretion whether to administer oaths to the prosecutors and witnesses, or to examine persons without their being sworn.

A discretionary power granted to magistrates in regard to the administration of oaths in certain cases.

X. The same exemption from the necessity of recording depositions is hereby granted to tahsildars, and other head police officers of districts, in the examination of cases on which it is competent to them to pass decision.

Heads of district police not required to record evidence in certain cases.

A. D. 1821. REGULATION V.

A REGULATION for authorizing Collectors to rent out the levy of the inland Duties in the Districts under their management—for rescinding Regulation XIV, of 1809—and for modifying some of the Rules of Regulation I, of 1812.—Passed by the Honourable the Governor in Council of Fort St. George, on the 29th June 1821.

WHEREAS the frauds committed in the levy of the land-customs, and the consequent loss experienced in the realization of that branch of the revenue, render it desirable to revert to the practice which formerly obtained of renting out the collection of land-duties in districts in which that system can be now introduced with advantage: And whereas it is expedient that Regulation XIV, of 1809, which established a monopoly of saltpetre, and Section XVIII, Regulation I, of 1812, which permitted the issue of Muaffee Rowannas, should be rescinded; the Governor in Council has enacted the following rules, to be in force from the 12th day of July next ensuing:

Preamble.

I. Collectors are empowered to rent, under the orders of the Board of Revenue, the general inland-duty, of which the levy is prescribed by Section III, Regulation I, of 1812, in all the districts subject to the Presidency of St. Fort George, in which it may be deemed expedient by the Governor in Council to introduce that system of management.

The land-customs may be rented out under the orders of the Board of Revenue.

II. The rents shall be granted, inclusive or exclusive, of the duties collected on the frontiers of foreign European states—and of the duties levied under Regulation VI, of 1812, as the Board of Revenue may determine.

Rents may be inclusive or exclusive of frontier, and town consumption duties.

Duties to be collected by the renter in conformity with the Regulations.

Cowles and muchilkas to be executed.

Breach of the stipulations of the cowle to incur its forfeiture.

Cowles and muchilkas to be written on stamped paper.

Rescission of Regulation XIV, of 1809.

Renters to be furnished with blank rowanas on payment for them.

Goods seized by renters for evading duties to be reported to the collectors.

Renters entitled, first, to the duty on all smuggled goods; secondly, to the informer's share.

Seizers to be rewarded.

Powers of magistrates in districts where the customs are rented.

Renters servants to be punished like collectors servants for extortion and other abuses.

III. The general inland-duty, and other duties when rented out, shall be collected by the renter in conformity with the provisions of the general Regulations for the levy of these duties, except in as far as the same may be modified by the present enactment.

IV. *First*.—Cowles approved by the Board of Revenue shall be granted to renters of the customs: and muchilkas, being counterparts of the cowles, shall be executed by the renters, and deposited in the office of the collectors.

Second.—The collection of duties by any renter, or by any person on his account, at any but the chokies enumerated in his cowle, and established according to Section V, Regulation I, of 1812, or the breach of any of the other stipulations in the cowle, if proved to the satisfaction of the Board of Revenue, shall be declared to void the agreement, and to authorize the collector under the Board's orders to resume the rent.

Third.—The cowles to be granted to renters, and the muchilkas which they will execute to the collectors, for the rent of the custom-duties, shall be written upon stamp paper of the value prescribed in Section XI, Regulation XIII, of 1816.

V. Regulation XIV, A. D. 1809, is rescinded; and the articles of saltpetre and gunpowder will be passed with the same rowena as all other goods; the transit of the latter article is however to be subject to the restriction declared in Section XV, Regulation XIII, of 1812.

VI. The rules of Section V, Regulation II, of 1817, are hereby declared applicable to the transit of goods under rowanas to be granted by renters of the customs under their seal and signature; blank rowanas shall be issued to the renters by the proper officers of Government, on payment being first made for the same by the said renters.

VII. *First*.—When renters may seize goods for having passed the chokies without payment of duties, they shall immediately report the seizure to the collectors, who will proceed thereupon in the mode prescribed by Sections XIX, and XX, Regulation I, of 1812.

Second.—The rights of the renter in regard to smuggled goods are declared to be, first, the receipt of the Government customs due on such goods; and secondly, in the event of the goods being confiscated, or of double or treble duty being ordered to be levied, the receipt of such portion of the proceeds of sale, or of the surplus duty as would be granted to the informer under Section XX, Regulation I, of 1812. The actual seizers, whether the officers of the renter, or others, will receive, under the orders of the collector, the share allotted by the regulation to officers making the seizure.

VIII. In districts in which the customs are rented, the powers vested in magistrates by Section XXI, Regulation I, of 1812, and declared in Section XLIV, Regulation IX, of 1816, to be exerciseable only by the criminal judges, shall be considered vested in the magistrates.

IX. The provisions of section XXII, XXIII, and XXIV, Regulation I, of 1812, are hereby extended to the punishment of all persons employed by the renters of the customs, and to all persons unduly and unauthorizedly making collections in the name and under the pretended authority of the renters.

X. Section XVIII, Regulation I, of 1812, is hereby rescinded.

A. D. 1821. REGULATION VI.

A REGULATION for the better order and discipline of Military Bazars, and for the prevention of drunkenness among Soldiers, and for rescinding Regulation VI, of 1809, and Regulation III, of 1810.—Passed by the Honourable the Governor in Council of Fort St. George, on the 28th August 1821.

Preamble.

WHEREAS it is the intention of the Governor in Council to establish a more extensive system of military bazars for procuring supplies for troops on march and in cantonments: And whereas the provisions of Regulation III, of 1810, for furnishing

furnishing the means of conveyance and supplies to detachments of troops and to travellers, have proved oppressive to the native inhabitants of the provinces, and the other provisions of that Regulation are unnecessary: And whereas it is essential to the efficiency of military bazars that the bazar-men, and the retainers and followers attached thereto, should be subject to the authority of officers in command, and be liable to be tried by courts-martial for breach of Regulations established by competent authority: And whereas it is necessary, for the better preserving of discipline in garrisons and cantonments, and over retainers and followers of the army, that commanding officers should be authorized to bring to trial by court-martial all persons subject to their authority, for assaults, affrays, petty thefts and other petty offences, and for that purpose that Regulation VI, of 1809, should be rescinded: And whereas it is essential to the efficiency of the military bazars, and to the convenience of the persons amenable to military authority, that the commissariat officers, or other officers in charge of general bazars, acting under the orders of commanding officers, should have authority, according to former usage, to assemble punchayets for the settlement of disputes to any amount, and that the officers in charge of bazars should have authority to hear and determine suits for petty debts; and further, that military courts to be assembled by officers in command should have authority to try and determine actions of simple debt to a limited amount due by native officers, soldiers, artificers, retainers or followers of the army: And whereas in consequence of the frequent commission of heinous crimes by European soldiers in a state of intoxication, it is necessary to place the manufacture and sale of spirituous and fermented liquors under further check and control: And whereas under the provision of the statute of the 53 Geo. III. c. 155, cl. 96, the Governor in Council of Fort St. George is vested with full power and authority "to make
 "all such laws and regulations, and articles of war, as he may think fit, for the
 "order and discipline of all officers and soldiers, natives of the East Indies,
 "or other places within the limits of the said Company's Charter; and for the
 "administration of justice by courts-martial to be holden on such native officers
 "and soldiers, and for the constitution and manner of proceeding of such courts-
 "martial, and for all other purposes relating to or in any manner concerning such
 "native officers and soldiers, in as full and ample a manner as the said Governor in
 "Council may make any other laws or regulations for the government of the natives
 "of the territories subject to the Presidency of Fort St. George: Provided always,
 "that all such laws, regulations, and articles of war, whereby the rights, persons or
 "property of any such native officers or soldiers may be affected, shall be made
 "and promulgated in every respect in the same manner as other regulations affect-
 "ing the rights, persons or property of natives, or other individuals amenable to
 "the provincial courts of the said Presidency of Fort William in Bengal are
 "directed to be made, by virtue of an Act, passed in the thirty-seventh year of his
 "Majesty's reign, intituled, *An Act for the better Administration of Justice at
 "Calcutta, Madras and Bombay, and for preventing British subjects from being
 "concerned in Loans to the native Princes in India:*"—The Governor in Council
 has enacted the following rules to be in force from the date of their promulgation:

II. Regulation VI, of 1809, and Regulation III, of 1810, are hereby re- Rescission.
 scinded.

III. *First.*—The police authority, and the maintenance of the peace within the limits of garrisons, cantonments and stations (including the military bazars attached thereto), plans of which shall with that view have been first sanctioned and confirmed by Government, and deposited at the Cutcherry of the magistrate of the district in which they are respectively situated, may, by express authority from the Governor in Council, when the nature and extent of the population may be considered to render such an arrangement advisable, be vested in the officers commanding the troops at such places, who will in such case take the necessary measures, by means of the troops under their command, for preventing the commission of crimes within the limits of the said cantonments and military bazars, and for the discovery and apprehension of persons guilty of the same.

The police authority, and the preservation of peace within garrisons and cantonments, duly defined by Government, may be vested in commanding officers.

Second.—When from the nature and extent of the population it may not be considered advisable to vest police authority, and the maintenance of the peace within the limits of any garrison, cantonment, or station, in the commanding officer, a space of ground shall be assigned for a military bazar, the limits of which shall be fixed by the Government, and the general superintendence of the police, and maintenance of the peace within such limits only, shall be vested in the officer commanding.

In other cases commanding officers will exercise police authority only within the military bazars.

Retainers of the army, camp followers, artificers, &c. to be tried by court-martial for breach of good order and local Regulations established by competent authority.

IV. All persons serving with any part of the army, and receiving public pay drawn by any officer in charge of a public department appertaining to the army; all servants of officers, and generally the servants and followers of all persons serving with the troops, and all retainers of the army, though not charged with any fixed or specific public duties, are hereby made liable to be tried by court-martial for all breaches of general orders, or local regulations established by competent authority for the maintenance of good order and discipline in the cantonment, garrison, or other station where the troops to which they are attached may be serving, and if found guilty by such court to be sentenced to receive such reasonable punishment as their offences may be deemed to deserve.

Retainers of the army may be tried by court-martial for affaults and petty thefts.

V. All followers of the army, and other persons of the description mentioned in the foregoing Section, are hereby made liable to be tried by court-martial for affrays, assaults, and other breaches of the peace, not amounting to heinous offences, nor attended with aggravating circumstances; and likewise for petty thefts, that is to say, thefts unattended with circumstances of violence and outrage, and where the value of the thing charged to be stolen does not exceed twenty Madras rupees.

The jurisdiction of commanding officers not to extend to persons not retainers of the army, nor to the cognizance of heinous crimes.

But persons smuggling spirits into military limits to be punishable by military authority, whether they be retainers of the army or not.

VI. *First.*—Nothing contained in the preceding rules shall be construed to authorize the commanding officers of cantonments, or other military stations, to bring to trial before a court-martial any person who is not a retainer of the army of any of the descriptions mentioned in Section IV, of this Regulation.

Second.—Provided, however, that the commanding officers of garrisons, cantonments, or other military stations, shall have authority to bring to trial before a court-martial any native who shall be apprehended in the fact of smuggling spirits within any military bazar, or within the limits to be defined by the Governor in Council, under Section XIV, of this Regulation, although the accused be not a person of any of the descriptions above stated, nor a resident within the said limits.

The police of general military bazars to be under the commissariat officer.

The superintendent of bazar police authorized to administer oaths, and to take cognizance of all persons resorting to the general bazars; and of all persons amenable to martial law; but not authorized to punish.

VII. The superintendence of the police, and the preservation of the peace within the limits of general military bazars, and generally as regards all persons subject to martial law, are hereby vested in the commissariat officer, subject to the orders of the commanding officer of the station; and he shall accordingly have authority to take examination on oath, when necessary, and to take cognizance of all persons resorting to or attending the bazars; and to arrest suspicious persons, and persons charged with any offence or breach of the peace, within the limits of military bazars, and generally all persons amenable to martial law, whether within those limits or elsewhere, and to commit such persons to custody, in order to their being dealt with according to the Regulations or Articles of War, as the case may be. But the said superintendent of general bazar police shall have no authority in any case to inflict or order the infliction of punishment.

Commissariat officers authorized to appoint punchayets for the settlement of disputes to any amount.

VIII. *First.*—Commissariat officers in charge of general military bazars, acting under the orders of the commanding officer, are authorized (according to former usage,) on application being made to them by parties having disputes or differences to settle, and with the consent of the parties on both sides, to appoint a punchayet to hear and determine the matters in dispute, whatsoever may be the amount or value of the money or other property sought to be recovered. Each party shall nominate two members to the punchayet, and the commissariat officer shall nominate one additional member. On the appointment of the punchayet, the usual muchilkas shall be executed by the parties binding themselves to abide by the award of the punchayet: the muchilkas shall be filed in the office of the commissariat officer, to whom the proceedings and award of the punchayet shall be delivered when the decision has been passed, in order that the same may be registered and preserved in his office. The commissariat officer on receiving the award shall summon the parties before him; and having declared the decision of the punchayet, shall deliver a copy to each party, indorsing thereon the date of delivery.

No appeal from the awards of punchayets, except in cases of gross partiality.

Second.—No appeal shall lie from decisions of punchayets under this Regulation, except in cases of gross partiality, when either may bring the matter by petition upon stamped paper of the prescribed rate, according to the amount of the suit, before the judge of the zillah, who will proceed in the case conformably to the provisions of Section XI, Regulation V, of 1816.

Third.—

Third.—Members of punchayets assembled under this Regulation shall be liable to prosecution in the zillah court for corruption in the discharge of their trust, conformably to the provisions of Section XVIII, Regulation V, of 1816.

Members of punchayets may be prosecuted for corruption.

IX. The commissariat officers in charge of bazars, acting under the orders of commanding officers, shall have authority, according to former usage, to investigate and decide complaints for petty debts, not exceeding twenty rupees, which may be preferred to them against any bazar-man, or other retainer of the army, of the description mentioned in Section IV, of this Regulation.

Commissariat officers authorized to decide cases of debt not exceeding twenty rupees.

X. The awards of punchayets, and the judgments of commissariat officers, in charge of bazars, passed under this Regulation, shall, on the application of the person in whose favour the award or judgment has been pronounced, be carried into execution by the commissariat officer, under the orders of the officer commanding the troops, who, on application made to him by the commissariat officer, shall immediately issue the necessary orders in writing to that effect.

Execution of judgments by commissariat officer.

XI. *First.*—In every general military bazar a register shall be kept, wherein all persons having houses, shops, or other buildings, or fixed places within the limits thereof, in which they carry on trade, or otherwise supply or serve the troops, may, with the approbation and consent of the commissariat officer in charge, have their names and occupations entered. A similar register shall be kept for bazar-men attached to a battalion.

Bazar-men and others attached to station or regimental bazars, may be registered.

Second.—No person shall be registered as attached to a station or regimental bazar without his consent; and any person so registered shall be entitled at any time to demand his discharge from the registry, provided, that when any corps is on actual service, or there is an immediate prospect of its being ordered to march, it shall be in the discretion of the commanding officer of such corps to withhold the discharge of any person attached to the bazar of that corps; but he shall withhold it so long only as the immediate exigency of the public service requires.

Their own consent is necessary, and they may demand their discharge from the registry; which commanding officers must grant, except when troops are on the eve of marching.

Third.—All bazar-men of every description residing in military bazars, the limits of which may have been fixed by the Government, for the purpose of supplying the troops and followers of the army, and all bazar-men attached to troops marching, whether registered or not, shall be subject to all Regulations made by competent authority for the maintenance of good order and fair dealing in the bazar, and for the prompt and efficient execution of such services as belong to their respective occupations, and shall be liable to be tried by a native court-martial for any breach thereof.

Bazar-men of every description, residing in military bazars, declared amenable to court-martial for breach of good order and fair dealing.

XII. *First.*—Persons attached to bazars, who are above the condition of petty dealers, menial servants or workmen, and would suffer degradation and disgrace, by the infliction of corporal punishment, shall not be liable to corporal punishment, in the first instance, for breach of local Regulations, but shall be liable to a fine to the use of Government, which shall in no case exceed Madras rupees one hundred; and the said fine, if not paid forthwith, shall be levied by the commissariat officers in charge of the bazar, under the written order of the commanding officer, grounded on the sentence of the court-martial, by seizure and public sale of such goods of the offender as may be found within the limits of the garrison, cantonment, or bazar; and, if sufficient goods shall not be found within the limits, the offender may be arrested by a written order of the commanding officer, and confined for one month, unless he sooner discharge the fine. Any person attached to a bazar, who shall be sentenced to a fine by a court-martial, for the breach of any local Regulation, and shall fail to discharge the same, shall be liable, in case of conviction for a second offence, to be sentenced to corporal punishment in the same manner as petty dealers, workmen or menial servants, or to be struck off the register of the station-bazar, or bazar of the corps, as the case may require.

Exemption from corporal punishment in certain cases.

Levy of fines.

Imprisonment for non-payment of fines.

Punishment for second offence of persons exempt from corporal punishment for first offence.

Second.—If any person deeming himself entitled to exemption under the preceding Section shall be sentenced to corporal punishment by a court-martial, the commanding officer shall, upon appeal to him, and proof given to his satisfaction, that such person is entitled to the exemption, commute the punishment for a fine not exceeding Madras rupees one hundred, which fine shall be levied in the same manner as if it had been originally imposed by the court-martial.

Claim of exemption how to be preferred after sentence passed by court-martial.

XIII. Whenever a court-martial may deem it necessary to sentence prisoners convicted before them to be punished by imprisonment and hard labour, commanding

Criminal judge authorized to receive persons sentenced by court-martial to hard labour.

manding officers shall forward the persons so sentenced to the criminal judge of the zillah, with an authenticated copy of the sentence of the court; and criminal judges are hereby directed to receive such convicts, and to work them in conformity with such sentences.

The abkary military bazars to be under the commissariat officer.

XIV. Within all military bazars, and within such limits around them as may be fixed under the orders of the Governor in Council, the manufacture of arrack, toddy, and other fermented liquors, and the sale of foreign and country manufactured spirits, shall be under the exclusive control and direction of the commissariat officer of such station.

Spirits smuggled into military cantonments to be confiscated for the benefit of the contractor.

XV. All arrack, or other spirituous liquor, smuggled, or attempted to be illicitly conveyed into the limits of garrisons, cantonments, or other military stations, shall be liable to seizure and confiscation under the orders of the commanding officer. Where there is a military contractor all such confiscated liquor shall be given over to him.

The sale of spirituous liquors to European soldiers declared an offence.

XVI. *First.*—The sale of any spirituous liquors to or for any European non-commissioned officer or soldier, or European woman, by any revenue abkary renter, distiller, vender, or other person, is hereby strictly prohibited, except with the permission in writing of the commanding officer.

Punishable by court-martial, if committed by persons amenable to their jurisdiction.

Second.—If any retainer of the army, or other person amenable to martial law, shall be charged with having sold any spirituous liquors to any European non-commissioned officer or soldier, or to any European woman, without the permission referred to in the foregoing clause, he shall be tried, and punished on conviction, by a native court-martial.

Punishable by the magistrate if committed by persons not amenable to martial law.

Third.—If any person resident at or in the immediate neighbourhood of a military station or cantonment, but not subject to be tried by military law, or any person, wherever resident, who is amenable to the authority of the magistrate, shall be charged with having sold any spirituous liquor to any European non-commissioned officer or soldier, or to any European woman, without the permission referred to in the first Clause of this Section, he shall, on conviction thereof before the magistrate, be sentenced to corporal punishment, not exceeding twenty rattans for the first offence, and thirty rattans for every subsequent offence; or to a fine not exceeding fifty Madras rupees for the first offence, and not exceeding one hundred Madras rupees for every subsequent offence, according to the condition and situation in life of the offender; or if no property of such offender be found, or not sufficient to pay the amount of the fine, such offender shall be sentenced to imprisonment for such further time as may appear to be a fair commutation for the fine or portion of the fine that may be due, provided that such imprisonment shall in no case exceed two months.

Amount of punishment.

Process of arrest from the civil and criminal courts (except that of the supreme court) how to be executed in military cantonments, garrisons, &c. Commanding officer to back the process, and use his utmost endeavours to cause the person against whom the writ has issued to be taken, and delivered to the person charged with the writ.

XVII. In all cases in which it may be necessary to execute any process of arrest, issuing from any civil or criminal court, within the limits of a garrison, cantonment, military station, or military bazar, (the process of the supreme court only excepted,) the officer charged with the execution thereof shall carry the said process to the commanding officer or senior officer in the garrison, cantonment, or station, who shall immediately back the same with his signature, and use his utmost endeavours to cause the person or persons named in such process to be discovered; and, if within the limits of the garrison, cantonment, station, or bazar, to be arrested and delivered, according to the exigency of the process, to the civil officer charged with the execution thereof. But nothing herein contained is to be construed to prevent the service by the civil officers in the usual way, of summonses, subpoenas, or other process of mere citation, without arrest.

Military courts to be convened when necessary to try cases of simple debt due by persons amenable to martial law.

XVIII. *First.*—Commanding officers of stations and of corps shall convene, when necessary, military courts, to be composed of native officers, with an European officer to superintend and record the proceedings; and such courts shall have authority to hear, try and determine all suits that may be brought before them for the recovery of any debt alleged to be due by any native officer, or soldier, or artificer, or any retainer of the army, or any person registered as attached to station or regimental bazars, or any servant of an officer, provided that the cause of action be for simple debt not exceeding two hundred Madras rupees; and that the defendant was a person of one of the descriptions abovementioned at the time of the institution of the suit. But the courts authorized to be assembled under this

Limitation of their jurisdiction.

Section

Section shall not have power to try suits for damages, nor concerning disputes of caste, nor for divisions of family property, nor for the right or possession of land or other real property; but all such suits shall be referred to the civil tribunals, to be tried under the general Regulations.

Second.—It shall be competent to the courts convened under this Section, upon finding any debt due, to award execution thereof; and, on the application of the party in whose favour judgment has been given, the amount due under the said judgment shall be levied by seizure and public sale of such of the debtor's goods as may be found within the limits of the garrison, cantonment, or military bazar, under a written order of the commanding officer, grounded upon the judgment of the court, which shall be executed by the commissariat officer in charge of the bazar; and if sufficient goods are not found within the limits, the debtor shall be arrested by a written order of the commanding officer, and imprisoned in some convenient place of confinement within the limits of the garrison, cantonment, or military bazar, for a term not exceeding two months, at the discretion of the said court, unless the debt be sooner paid; and his goods, if found within the limits at any subsequent time, shall be liable to be seized under a written order as above provided, and sold in satisfaction of the debt.

Power of military courts to enforce payment of sums decreed by them.

Levy by distraint.

Imprisonment.

XIX. No suit of the description, and within the amount specified in Clause First of the preceding Section, shall be received, or filed in any of the civil courts against persons carrying on trade, or supplying the troops in station or regimental bazars, unless it be averred in the plaint, that the defendant, though resident, or carrying on such trade or occupation within the military limits, is not registered, or that though registered he has not, within the space of three months preceding, truly and *bonâ fide* exercised the occupation in respect of which he is registered within the said limits, or that the cause of action is not cognizable by a military court. In all cases where the averments abovementioned shall be made, the Judge issuing the summons in the suit shall indorse upon it, as the case may be, "suit exceeding the amount cognizable by military court," or, "suit not of the description cognizable by military court," or, "defendant not registered," or, "defendant not entitled to privilege of registry," and shall sign the indorsement. All processes so indorsed shall, if the defendant be within the limits of the garrison, cantonment, or military bazar, be delivered, in the first instance, to the commanding officer, who will direct the attendance of the party so summoned; but if at the trial the plaintiff shall not prove, according to the purport of the indorsement, that the suit, from its nature or amount, is not cognizable by a military court, or that the defendant, though resident, or carrying on such trade or occupation as above mentioned, within the military limits, was not registered, or that though registered, he had not during the space of three months preceding truly and *bonâ fide* exercised the trade or occupation in respect of which he is registered within the limits, he shall be nonsuited, with costs.

Suits declared cognizable by military courts under this regulation not to be entertained by the civil courts.

XX. The courts-martial, and other military courts authorized to be holden by the provisions of this Regulation, are to be convened by officers commanding stations, garrisons, or detachments, as the case may be; and when single corps are employed in separate or detached situations, then by the officers commanding the corps so detached.

Courts-martial how to be convened.

XXI. The duties and powers assigned by this Regulation to the commissariat officers in charge of military bazars shall be executed, where no commissariat officer may be present, by such other officer as the commanding officer of the station may nominate to discharge them.

Where there is no commissariat officer, any other officer may be appointed by the commanding officer to perform the duties above described.

XXII. *First.*—Nothing in this Regulation is to be construed to give any authority to commanding officers to dispossess proprietors of land or houses situated within the limits of military bazars.

Limitation of commanding officers power in regard to real property within military limits.

Second.—Provided, however, that when the ground allotted to bazars is the property of Government, and the occupation of individuals has been merely permissive, the commanding officer is empowered to make such Regulations as he may think fit, (subject to the approbation of the Governor in Council) respecting the tenure or occupation of houses, shops, or other fixed places, situated upon such ground as belongs to Government, which Regulations, after receiving the approbation of the Governor in Council, shall be published in station-orders, with a translation in the language commonly used in the district, and shall not be of force

Commanding officer to regulate, under the sanction of Government, the terms on which Government land may be occupied by bazar-men.

until fourteen days after they shall have been so published within the limits of the station-bazar.

European and other vendors of spirits in the provinces to be licensed by collectors.

Not to sell less than one gallon of spirits.

Prohibition to sell without a license.

Collectors to license proper persons only to vend spirits.

Stipulations and form of the licenses.

Not to sell any spirits of country manufacture.

Not to sell foreign spirits in less quantities than one gallon.

Not to sell any spirituous or fermented liquors to soldiers, without the written

Suttlers may sell liquors in any quantities with the permission of commanding officers.

Licenses in what cases to be forfeited.

Punishment for vending without license.

XXIII. Doubts having arisen as to the extent to which the sale of foreign spirits may be permitted to shopkeepers and petty merchants in the provinces, without encroaching on the privileges of the abkary renter in each district, to whom exclusively the retail sale of such spirits is to be permitted under Clause Fifth, Section IV, Regulation I, of 1820, It is hereby declared, that no European shopkeeper, nor any other trader or dealer, except the abkary renters and their sub-renters, and the person selling on their behalf, shall be allowed to sell any less quantity than one gallon of brandy, gin, rum, Batavia or Colombo arrack, or of any other spirit of foreign manufacture, nor to sell any such liquor in any quantities whatever, unless he have obtained a license from the collector, as hereinafter prescribed.

XXIV. *First.*—Collectors are hereby empowered to grant licenses to Europeans or others (whom they may not consider unfit and improper persons to hold such licenses) authorizing them to sell in quantities not less than one gallon, spirituous liquors, not manufactured within the provinces subject to the Presidency of Fort St. George.

Second.—Such licenses shall be written or printed on unstamped paper, according to a form to be approved by the Board of Revenue, and shall contain stipulations that the person to whom the license is granted shall not sell any spirituous or fermented liquor manufactured in the provinces subject to the Presidency of Fort St. George; that he shall not sell foreign spirituous liquors in less quantities than one gallon, and that he shall not sell any such last-mentioned liquors, wine, or any spirituous or fermented liquors, in any quantity whatever, to any European non-commissioned officer or private soldier, without the permission referred to in Clause First, Section XVI, of this Regulation.

Third.—The prohibition to sell less than one gallon of spirituous liquor is declared not to be applicable to suttlers in military cantonments, who may be permitted to sell any quantity of wine, spirits, or other liquors, to European non-commissioned officers or soldiers, with the permission of their commanding officers in writing.

Fourth.—Any European, or other shopkeeper, or dealer, licensed to sell foreign spirits under the provisions of this Section, who shall directly or indirectly sell or permit to be sold any such spirits in less quantities than one gallon, or shall sell or permit to be sold any such spirits or wine, or other spirituous or fermented liquor in any quantity whatever, to any European non-commissioned officer or private soldier, except with the permission in writing of the commanding officer of such non-commissioned officer or soldier, or who shall sell country arrack, or other spirituous or fermented liquors, the manufacture of the provinces under this Government, shall, on proof thereof to the satisfaction of the collector, be liable to the forfeiture of his license under the final orders of the Board of Revenue.

Fifth.—If any shopkeeper or dealer, amenable to the jurisdiction of the courts in the provinces, shall sell or traffic in foreign spirits without a license, either as a retail seller under the provisions of Regulation I, of 1820, or for the regulated sale of such spirits under the present Regulation, such person shall, on conviction of the offence before the criminal judge of the zillah in which he may have sold such liquor, be sentenced to pay such fine, not exceeding four hundred Madras rupees, as may appear adequate to his offence, the amount of such fine to be levied by distress and sale of the property of the offender.

III.

REGULATIONS

Passed by the Governor General in Council of *Bombay*,
in the Year 1821.—N^o 1. to IV.

A. D. 1821. REGULATION I.

A REGULATION to explain Regulation V, of 1820, and to empower the Court of Sudder Adawlut, constituted by such last-mentioned Regulation, to hear and determine appeals from judgments or determinations by the late Court of Appeal, which had been preferred to, or were pending in, the former Court of Sudder Adawlut at the time of passing the said enactment:—Passed by the Governor in Council, on the 2d May 1821, corresponding with the 1st of Vysack Sood Sumbut or Vikramajit Era 1877; Salbahan 1743; and 29th of Rujub 1236 of the Hijree.

WHEREAS by Regulation V, 1820, passed by the Honourable the Governor in Council on the 20th November 1820, intituled, “A Regulation for abolishing the provincial court of appeal, and adapting the powers, &c. of the Sudder Adawlut to the change, and for removing the latter court from Bombay to the city of Surat,” the provincial court of appeal instituted by Section III, Regulation II, 1805, was abolished, and such Section was rescinded, together with Regulation VI, 1812, and all such parts of the Regulations in force as relate to that court, and Regulations VII, of 1800, and VII, of 1812, were also rescinded, for the purpose of adapting the powers of the Sudder Adawlut to the change occasioned by the abolition of the said provincial court: And whereas at the time of passing the said Regulation V, 1820, certain appeals from the judgments and determinations of the said provincial court had been preferred to the court of Sudder Adawlut, or were pending therein, and certain suits were then also depending in the said provincial court, in which any parties who might be aggrieved by the judgment or determination of the said provincial court, had a right by the said rescinded Regulations VII, 1800, and VII, 1812, whilst the same continued in force, to appeal from such judgment or determination to the Sudder Adawlut: And whereas doubts have arisen whether it was competent for the court of Sudder Adawlut, as constituted under Regulation V, 1820, to hear and determine the said appeals then preferred to or pending in the court, or which might be preferred to it in suits then pending in the said provincial court; and whether the enactments of the said last-mentioned Regulations sufficiently provide for the said court of Sudder Adawlut proceeding in such appeals: And whereas it is expedient that such doubts should be removed, and that it should be declared to have been the original intention of the Honourable the Governor in Council to confer such authority on the said court, the following enactment has been passed:

II. The Sudder Adawlut, as constituted under the said Regulation V, 1820, have and shall have power and authority to hear and determine all appeals from any judgments or determinations of the said provincial court which had been preferred to, or were pending in the former court of Sudder Adawlut at the time of passing the said Regulation V, 1820, or which might have been preferred to it in any suit or suits then pending in the said provincial court, and the same shall be heard and determined by the court of Sudder Adawlut, as constituted under the said Regulation V, 1820, in as full and ample a manner as the court of Sudder Adawlut might have heard and determined the same before the passing of the said Regulation V, 1820, save and except as the proceedings in such appeals may have been

The sudder adawlut empowered to try appeals from the late provincial court.

been modified by the enactments and provisions contained in such last-mentioned Regulation.

Regulations for the proper conducting of such appeals revived.

III. Regulation II, 1805, Regulation VI, 1812, Regulation VII, 1800, Regulation VII, 1812, and all other Regulations relating to the provincial court, which have been rescinded by the said Regulation V, 1820, are hereby revived as to all such parts and clauses of the said rescinded Regulations as contain any rules, provisions or powers necessary or requisite for the proceeding in the said appeals, and for the due hearing and determination thereof by the said newly constituted court of Sudder Adawlut, and shall continue in force and endure until all such appeals shall be brought to a conclusion by the newly constituted court of Sudder Adawlut, and no longer; subject nevertheless to such alterations and modifications respecting proceedings in appeals as have been made by the said Regulation V, 1820.

A. D. 1821. REGULATION II.

A REGULATION for amending Regulation X, of 1813, for the conduct of the trade with foreign nations at the ports and settlements of the British nation under the Presidency of Bombay:—Passed by the Honourable the Governor in Council, on the 23d May 1821, corresponding with the 6th Vysaik Vud, Sumbut or Vikramajit Era 1877; Salbahan 1743; and 20th Shaban, 1236 of the Hijree.

Preamble.

WHEREAS the rates of duty prescribed in Section V, clauses first and second, Regulation X, of 1813, have been evaded by foreign ships landing and receiving goods at the Portuguese ports of Goa, Demaun, and Diu, and trading thereafter in such articles so landed and received, between those settlements and the port of Bombay, by boats under British colours, the following enactment is passed, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, to be in force in the territories immediately dependent on this Presidency from the period of its promulgation:

Produce of Europe, China, or foreign states, imported from foreign European ports in India, liable to customs of four and half per cent. on an advance of sixty per cent. on the invoice cost; or, (the invoice cost unknown) seven and half per cent. ad valorem.

II. On all goods imported by boats or ships from from Goa, Demaun, Diu, or other foreign European ports in India, known to be the produce of Europe, China, any foreign, Asiatic, or other state, an advance of 60 per cent. shall be laid on the original invoice cost attested upon oath, and $4\frac{1}{2}$ per cent. customs shall be levied on the aggregate amount. In cases where the invoice cost cannot be determined, $7\frac{1}{2}$ per cent. ad valorem shall be collected.

Exports to the said ports ultimately intended for the said states, liable to three and half per cent. customs on the invoice cost.

III. On all goods exported under British or foreign colours to Goa, Demaun, Diu, or other foreign European ports in India, ultimately intended for Europe, China, or any foreign, Asiatic, or other state, $3\frac{1}{2}$ per cent. customs shall be collected on the original invoice valuation, attested upon oath.

A. D. 1821. REGULATION III.

A REGULATION for rescinding Sections XI and XV, Regulation IX, 1816, and for making other provisions for the trial of persons charged with capital offences committed within the Fort and district of Anjar and their dependencies:—Passed by the Honourable the Governor in Council, on the 6th of June 1821, corresponding with the 6th Jest Sood, Sumbut or Vikramajit Era 1877; Salbahan 1743; and 5th Ramzan 1236 of the Hijree.

Preamble.

WHEREAS it has been found necessary, in consideration of the great extent of country over which a single puisne judge of the Sudder Fuojdaree Adalut is required to make his circuit, by Section XI, Regulation VII, 1820, to provide for the trial of persons charged with the commission of capital offences within the fort and district of Anjar and their dependencies, by forwarding such persons to the next most convenient station where a court of jail-delivery is held, the Honourable the Governor in Council has been pleased to enact the following rules:

II. Sections

II. Sections XI, and XV, Regulation IX, 1816, are hereby rescinded.

Sections XI, & XV, Regulation IX, 1816, rescinded.

III. Upon a complaint being preferred to the magistrate of Anjar, against any person or persons for a crime of a capital nature, the magistrate shall proceed against the party accused in the manner prescribed by the general regulations, subject to the following modifications :

Magistrate how to proceed on charges for offences of a capital nature.

IV. If it shall appear to the magistrate that the crime has actually been committed, and that there is evidence of the person accused having been concerned in the perpetration of it, the magistrate shall, according to the circumstances stated in the next succeeding Section, either forward the prisoner forthwith, together with his proceedings, to the criminal judge of Surat, accompanied by all the witnesses for the prosecution, and also by such others as the prisoner may desire should be called in his behalf (whom the magistrate shall be careful to ascertain by inquiry of the prisoner), or he shall keep the prisoner for a time in safe custody, to be afterwards sent to Surat, as hereunder provided.

Either to send the prisoner and witnesses forthwith to Surat, or to retain the former in safe custody for a time.

V. The quarterly jail-deliveries for the city and zillah of Surat being held on the first of the months of January, April, July and October of each respective year, the magistrate of Anjar, in the transmission of prisoners and witnesses, will be guided as to the time for their conveyance, which shall be made by sea, by duly referring to the above dates, and regulating the departure of prisoners and witnesses, so that they may be received by the criminal judge of Surat a few days previous to the quarterly jail-deliveries for that city and zillah, held on the first of the months of October, January and April of each year; the object of this rule being to provide for one attendance of witnesses at Surat, in such cases being sufficient; and also for avoiding the necessity of sending prisoners and witnesses from Anjar during the monsoon.

How the magistrate shall regulate the time for forwarding prisoners and witnesses.

VI. The criminal judge of Surat, on the receipt of a prisoner from the magistrate of Anjar shall proceed according to the general regulations, and bring him to trial before the next quarterly court of jail-delivery for the city and zillah of Surat.

The criminal judge of Surat to bring the prisoners to trial before the quarterly court of jail-delivery.

A. D. 1821. REGULATION IV.

A REGULATION directing holders of Lands, subject to quit and ground-rents in the Island of Bombay, to give notice of the sales or transfers of such properties to the Collector of that Island, within a certain period:—Passed by the Honourable the Governor in Council, on the 1st of August 1821, corresponding with the 3d of Shravan Sood Sumbut or Vikramajeet Era 1877; Salbahan 1743; and 2d of Zilkaad 1236 of the Hijree.

WHEREAS great inconvenience and delays in the collection of certain quit and ground-rents to be levied within the town and island of Bombay, heretofore made or imposed by or under the authority of the Government of Bombay, have been experienced by reason of the proprietors of lands, houses and tenements, assessed to such quit and ground-rents, selling or transferring the same to other persons, without notifying such sales or transfers to the collector of Bombay, the Honourable the Governor in Council has enacted the following rules for remedy thereof:

Preamble.

II. Whenever any of the lands, houses or tenements, subject to such quit and ground-rents, shall be sold or transferred, the person or persons so selling or transferring the same, and the person or persons to whom the same shall be sold or transferred, shall respectively cause notice thereof to be given to the said Collector of Bombay, within twenty days after such sale or transfer shall be completed; and every person or persons who shall become the proprietors, or shall come into possession of any such lands, houses or tenements, by succession, inheritance or devise, shall cause notice thereof to be given within twenty days after the decease of the last proprietor; and every person neglecting to give such notices, on conviction thereof upon the oath of one or more credible witness or witnesses, or by confession before the said Collector, or before one of His Majesty's Justices of the Peace, shall forfeit and pay the sum of rupees ten; and in case such penalty shall not be forthwith paid, it shall be lawful for such collector, or such justice, to levy the same by distress and sale of the goods and chattels of such person or persons, or to commit

Notice of sale or transfer of lands to be given to the collector within twenty days after their completion, and of inheritance or devise within twenty days after the death of the last proprietor.

On pain of a fine of ten rupees on conviction of the neglect before the collector or justice of the peace.

Fine to be levied by distress or imprisonment, in case of non-payment.

such person or persons to the gaol of Bombay, to remain there for a period not exceeding ten days, unless such penalty shall be sooner paid; and every person selling or transferring such lands, houses or tenements, without giving such notice, shall be liable, moreover, for such neglect, to the payment of the said quit and ground-rents till such notice shall be given.

RULE, ORDINANCE, AND REGULATION I. OF 1821.

A RULE, Ordinance, and Regulation, for modifying the provisions of Rule, Ordinance and Regulation I, of 1820, relating to Ballast for ships:—Passed by the Honourable the Governor in Council of Bombay, on the 25th of July 1821, and registered in the Honourable the Court of Recorder of Bombay, under date the 27th of August 1821.

Preamble.

WHEREAS the Honourable the Governor in Council of Bombay having resolved, on the expiration of the present contract for the supply of Ballast, not to make or enter into any such contract in future, it is expedient, for the better preservation of the port and harbour of Bombay, to extend and enlarge certain provisions and rules contained in Rule, Ordinance and Regulation I, 1820, intituled, “A Rule, Ordinance and Regulation, for establishing an effective control over the shipping resorting to the port of Bombay; for preventing the desertion of the crew of ships, the European soldiers of the garrison offering themselves as seamen, and for the better security of the harbour and dock-yard of Bombay;” Be it therefore enacted, and ordained by the Honourable the Governor in Council, in virtue of the power conferred upon him by an act, passed in the forty-seventh year of his late Majesty King George the Third, “intituled, “An Act for the better government of the settlements of Fort St. George and Bombay,” that from and after the thirty-first day of October in the year of our Lord one thousand eight hundred and twenty-one, and after the due publication and registry of this Rule, Ordinance and Regulation, in the court of the Recorder of Bombay, it shall not be lawful for any person to take or carry away, or to break or blow up, or to cause or procure to be taken or carried away, broken or blown up, any rocks or stones, from, in, or upon any part of the rocky ground lying and being to the southward of a line drawn due east and west of the Light House on Colabah; nor from, in, or upon any part of the rocks or islands in the said harbour of Bombay, called respectively the Oyster Rock, and Gull Island; and that every person or persons so offending, and being thereof convicted upon the oath of one or more credible witness or witnesses, before two of His Majesty’s justices of the peace, shall for every such offence forfeit and pay any sum of money not exceeding (400) four hundred rupees; and in case any such penalty shall not be forthwith paid, it shall be lawful for such justices to commit the person or persons to the gaol of Bombay, to remain there for a period not exceeding two months, unless such penalty shall be sooner paid.

Prescribing the limits in the harbour from which ballast is to be taken.

Penalty.

The permission to specify the place from whence it is to be taken.

Penalty.

II. And be it further enacted, that the chief engineer and collector of Bombay for the time being, shall have power and authority from time to time to grant permission in writing, to any person or persons, to procure ballast for ships or vessels from any other place or places on the shores of Bombay, Colabah, Old Woman’s Island, Mazagon, Mahim, Bandorah, Worley, Breach, Malabar Hill, on the shores of the Islands of Caranjah, or Elephanta, of Butcher’s Island, and Hog Island; and to break or blow up any stones or rocks in such place or places, and to take and carry away such rocks or stones for the purpose of ballast as aforesaid: provided always, that such permission in writing shall specify the place or places where such ballast is to be procured; and the time for which such permission shall remain in force: and in case any person or persons, not having obtained such permission, shall break or blow up, take or carry away, or cause or procure to be broken or blown up, taken or carried away, any rocks or stones in or upon or from the said places, every person or persons so offending, and being thereof convicted upon the oath of one or more credible witness or witnesses before two of His Majesty’s justices of the peace, shall for every such offence forfeit and pay any sum of money not exceeding (200) two hundred rupees; and in case any such penalty shall not be forthwith paid, it shall be lawful for such justices to commit the person or persons to

to the gaol of Bombay, to remain there for a period not exceeding one month, unless such penalty shall be sooner paid.

III. And be it further enacted, that no stones or ballast whatever shall be put or deposited within the dock-basin, upon pain, that every person or persons so offending, and being thereof convicted upon the oath of one or more credible witness or witnesses, before two of His Majesty's justices of the peace, shall, for every offence forfeit and pay any sum of money not exceeding (200) two hundred rupees; and in case any such penalty shall not be forthwith paid, it shall be lawful for such justices to commit the person or persons to the gaol of Bombay, to remain there for a period not exceeding one month, unless such penalty shall be sooner paid.

Prohibiting ballast being put within the dock-basin.

Penalty.

IV. And be it further enacted, that all penalties to be incurred under this Rule, Ordinance and Regulation, shall be recovered in the manner directed by the said recited Rule, Ordinance and Regulation I, 1820.

Mode of recovering the above penalties.

Papers relating to East India Affairs viz. regulations passed by the
governments of Bengal ... 1. in the year 1820., 2. in the year 1821

[London] 1822

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